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*Washington, Thursday, January 28, 1937*

## DEPARTMENT OF THE INTERIOR.

### General Land Office.

STOCK DRIVEWAY WITHDRAWAL No. 249

CALIFORNIA NO. 18

JANUARY 15, 1937.

It appearing from examination that the following-described public lands in California are necessary for the purpose, it is ordered, under and pursuant to the provisions of section seven of the act of June 28, 1934 (48 Stat. 1269), as amended by the act of June 26, 1936, Public No. 827, and section ten of the act of December 29, 1916 (39 Stat. 862), as amended by the act of January 29, 1929 (45 Stat. 1144), that such lands, excepting any mineral deposits therein, be, and they are hereby, withdrawn from all disposal under the public-land laws and reserved for use by the general public as a stock driveway, subject to valid existing rights:

SAN BERNARDINO MERIDIAN

T. 1 N., R. 3 E.,  
sec. 34, S½NW¼ and S½;  
T. 1 S., R. 3 E.,  
sec. 2, SW¼NE¼, NW¼ and SE¼,  
sec. 12, NW¼NW¼;  
aggregating 790.20 acres.

Any mineral deposits in such lands shall be subject to location and entry only in the manner prescribed by the Secretary of the Interior in accordance with the provisions of the aforesaid act of January 29, 1929, and existing regulations.

OSCAR L. CHAPMAN,  
*Assistant Secretary.*

[F. R. Doc. 37-274; Filed, January 27, 1937; 9:54 a. m.]

### Office of Indian Affairs.

#### ORDER FIXING OPERATION AND MAINTENANCE CHARGES ON COLORADO RIVER INDIAN IRRIGATION PROJECT CALENDAR YEAR 1937

NOVEMBER 25, 1936.

In compliance with the provisions of an Act of August 1, 1914 (38 Stat., 582-83), the operation and maintenance charges against all leases of trust lands and against Indians farming their lands who the Superintendent certifies are financially able to pay charges, are fixed for the calendar year 1937 and subsequent years until further notice as follows:

For delivery of not to exceed two acre feet per acre annually.	\$3.00
For delivery of a third acre foot or fraction thereof an additional charge of.....	1.50
For delivery of a fourth acre foot or fraction thereof an additional charge of.....	2.00
For delivery of a fifth acre foot or fraction thereof an additional charge of.....	2.50
For each additional acre foot or fraction thereof, over five acre feet, an additional charge of.....	3.00

The rates herein fixed for the minimum charge of \$3 per acre shall become due on April 1 of each year and will be payable on or before that date. Payments for additional water as herein provided over and above the minimum two acre feet shall be due at the time request is made for same or prior to the delivery of water.

No water will be delivered to any lessee of Indian trust lands until the Superintendent of the reservation shall have furnished the Project Engineer with a certificate stating the lessee has fully complied with the terms of the lease relative to the payment of annual operation and maintenance charges.

OSCAR L. CHAPMAN,  
*Assistant Secretary of the Interior.*

[F. R. Doc. 37-276; Filed, January 27, 1937; 9:55 a. m.]

#### ORDER FIXING OPERATION AND MAINTENANCE CHARGES FOR TRIBAL AND TRUST PATENT INDIAN LANDS SAN CARLOS PROJECT, ARIZONA, CALENDAR YEAR 1937

NOVEMBER 18, 1936.

In compliance with the provisions of the Act of March 3, 1905 (33 Stat., 1081) as amended and supplemented by the Acts of August 24, 1912 (37 Stat., 522), August 1, 1914 (38 Stat., 583) and the Act of June 7, 1924 (43 Stat., 475-476) and the acts supplementary thereto and the Public Notice of December 1, 1932, issued pursuant to said act, operation and maintenance charges shall become assessable against tribal lands and trust patent Indian lands of the San Carlos Project within the boundaries of the Pima Indian Reservation for the calendar year 1937, and are hereby fixed as follows:

1. A fixed or basic charge of \$1.80 per acre which shall entitle each acre to have delivered for use thereon two (2) acre feet of water per acre or its proportionate share of the available water supply. The fixed or basic charge shall become due January 1, 1937, and shall be payable on or before May 15, 1937, if water is to be delivered for the 1937 calendar year.

2. Fifty cents (50¢) per acre foot per acre or fraction thereof for the first acre foot of water delivered in excess of the two acre feet provided for by the basic charge and one dollar (\$1) per acre foot or fraction thereof for water delivered in excess of the three (3) acre feet, except such free water as may be delivered in accordance with existing agreements and provisions. In no event shall there be any discrimination in the delivery of free water between Indian and non-Indian lands.

#### CONDITIONS

The fixed or basic charge of \$1.80 per acre shall be paid for each assessable acre under the San Carlos Irrigation Project within the Gila River Indian Reservation on or before May 15, 1937.





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Payments for excess water as herein provided for shall be made at the time of request for delivery thereof, or previous to the time of delivery.

Application for Water Service will be received by the Superintendent, and when approved a copy will be furnished the Project Engineer of the Irrigation Service which will be his authority for delivery of irrigation water to the land described thereon.

No deliveries of irrigation water shall be made after May 15, 1937, to lands for which the advance assessment for the calendar year 1937 has not been paid, except such lands not under lease as the Superintendent of the Pima Agency shall issue a written statement to the Project Engineer certifying that the Indian farming same is financially unable to pay the assessment.

## LANDS TO BE ASSESSED DURING 1937

Lands which shall pay operation and maintenance assessments for the calendar year 1937 are those lands that were under constructed works and had been prepared for irrigation and were under cultivation and irrigation during the calendar year 1934 or previous years. The area actually under cultivation during 1934 shall be the basis of the per acre assessment for the year 1937 unless it is known that a larger area had been so used during previous years, in which case the larger area will be used for the assessment provided that area is still suitable for cultivation and irrigation during the calendar year 1937.

## METHOD OF MAKING PAYMENTS

Payments of operation and maintenance assessments and charges for additional water delivered shall be made at the office of the Superintendent of the Gila River Reservation at Sacaton, Arizona.

## APPLICATION FOR WATER SERVICE

Application for water service shall be made on an approved form provided by the Superintendent and signed by the applicant. The application shall be presented to the Superintendent and approved by him before the first delivery of water is made for the season of 1937. After this application is approved, water users will notify the Watermaster or Ditchriders when delivery of water is desired in the same manner as has been the practice heretofore.

## DISTRIBUTION AND APPORTIONMENT OF WATER

The stored and pumped water of the project is deemed a common Project water supply in which all lands of the entire project are entitled to share equally and all such waters shall be distributed to the lands of the project as equitably as physical conditions permit. The portion of the common supply available for the Indian lands will be distributed in equal amounts per acre to each acre under cultivation and irrigation in so far as is possible and subject to beneficial use. Water users will be notified at the beginning of the season of the amount of stored and pumped water available and at later dates of additional apportionments as they are made. Waste of water by users must be avoided as far as is physically possible in order that the supply shall be sufficient for the entire area in crop. When floods produce a supply of water in excess of demands or available storage facilities, free water shall be declared available and all water users will be promptly notified thereof. Such water shall not be counted as a part of the proportionate share of lands on which it is used.

## CARE OF FARM DITCHES

Water users will be required to keep their farm ditches in suitable condition to take water from project laterals and to carry it to the lands being irrigated. Failure to do this may result in refusal of delivery of water to lands on which the farm ditches are not in condition to take the water ordered if this condition prevents proper operation of project laterals and structures and causes waste of water.

OSCAR L. CHAPMAN,  
Assistant Secretary.

[F. R. Doc. 37-275; Filed, January 27, 1937; 9:54 a. m.]

## DEPARTMENT OF AGRICULTURE.

### Agricultural Adjustment Administration.

[Docket No. A-42 O-42]

### NOTICE OF HEARING WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND PROPOSED ORDER REGULATING HANDLING OF CITRUS FRUIT GROWN IN STATE OF TEXAS

Whereas, under the Agricultural Adjustment Act, as amended, notice of hearing is required in connection with a proposed marketing agreement and a proposed order, and the General Regulations, Series A, No. 1, as amended, of



the Agricultural Adjustment Administration provide for such notice; and

Whereas, the South Texas Citrus Growers League of San Juan, Texas, Texas Citrus Shippers Association of Mission, Texas, and Texas Citrus Industry Committee of Weslaco, Texas, have requested that a hearing be held on a proposed marketing agreement regulating the handling of citrus fruit grown in the State of Texas, to be executed pursuant to section 8b of the act, as amended; and

Whereas, the Secretary of Agriculture has reason to believe that the issuance of an order will tend to effectuate the declared policy of Title I of the Agricultural Adjustment Act, as amended, regulating the handling of citrus fruit grown in the State of Texas;

Now, therefore, pursuant to the said act, as amended, and the said general regulations, notice is hereby given of a public hearing to be held at the Chamber of Commerce Building, Mercedes, Texas, on February 13, 1937, at 9:30 a. m., and thereafter until completed, at which time interested parties will be heard with reference to a proposed marketing agreement and a proposed order regulating the handling of citrus fruit grown in the State of Texas, to be executed and issued under the said act, as amended.

The proposed marketing agreement and order provide for the regulation of the handling of citrus fruit grown in the State of Texas, and, among other things, provision is made for: (a) limitation of shipments by means of period proration, (b) limitation of shipments by grades and/or sizes, (c) the establishment of administrative agencies, and (d) assessment to cover administrative expenses.

Copies of the proposed marketing agreement and the proposed order may be inspected in or procured from the office of the Hearing Clerk, Room 4725, South Building, United States Department of Agriculture, Washington, D. C., and will also be available on the date set for the hearing at the place fixed therefor.

[SEAL]

H. A. WALLACE,  
Secretary of Agriculture.

Dated: January 27, 1937.

[F. R. Doc. 37-284; Filed, January 27, 1937; 12:37 p. m.]

ECR-B-101-North Carolina

East Central Division, January 21, 1937.

1937 AGRICULTURAL CONSERVATION PROGRAM—EAST CENTRAL REGION

BULLETIN 101—NORTH CAROLINA

Pursuant to the authority vested in the Secretary of Agriculture under section 8 of the Soil Conservation and Domestic Allotment Act, as amended, payments will be made, in connection with the effectuation of the purposes of section 7 (a) of said Act for 1937, in accordance with the provisions of this East Central Region Bulletin 101 for the State of North Carolina and such modifications or other provisions as may hereafter be made.

The 1937 Agricultural Conservation Program has been developed in accordance with the provisions of sections 8, 15, and 16 of the Soil Conservation and Domestic Allotment Act, but the payment of any benefits pursuant to the provisions of this bulletin is contingent upon such appropriation, if any, as the Congress of the United States may hereafter make for such purpose, and the amounts of such payments will be finally determined by such appropriation and the extent of participation in the program. The rates of payment and the soil-building allowance set forth herein are computed upon the basis of an appropriation of \$500,000,000 for the 1937 program for the Nation and 85 percent participation by farmers. The payments calculated in accordance with the provisions of Part I of this bulletin 101 may be increased or decreased depending upon the extent of participation in the East Central Region, but any such variation will not be in excess of 10 percent.

#### Part I. Rates and Conditions of Payment

Payment will be made in connection with the utilization in 1937 of the land on any farm in the State of North Carolina, in the amounts and subject to the conditions herein-after set forth.

SECTION 1. *Payment for Diversion from Cotton, Tobacco, and Peanut Soil-Depleting Bases.*—For each acre diverted from any cotton, tobacco, or peanut soil-depleting base for the farm, payment will be made as follows:

(a) *Cotton.*—5 cents per pound of the base yield per acre of cotton for the farm, for each acre diverted not in excess of 35 percent of the cotton soil-depleting base, except that, if such base is 5.7 acres or less, payment may be made for diverting all or any part of such base not to exceed 2 acres.

(b) *Tobacco—Flue-Cured and Burley.*—5 cents per pound of the base yield per acre of such tobacco for the farm, for each acre diverted not in excess of 25 percent of the soil-depleting base for such kind of tobacco.

(c) *Peanuts.*—1¼ cents per pound of the base yield per acre of peanuts for the farm, for each acre diverted not in excess of 15 percent of the peanut soil-depleting base.

SECTION 2. *Payment for Diversion from the General Soil-Depleting Base.*—For each acre diverted from the general soil-depleting base for the farm, not in excess of 15 percent of such base, payment will be made at a rate which will average \$9.00 per acre for the United States, varied among farms according to relative productivity of cropland used for the production of crops in the general soil-depleting base; *provided*, that payment will not be made for diversion from the general soil-depleting base for a farm unless crops in such base are normally grown in excess of the home-consumption needs of the farm on an acreage not less than 15 percent of such base.

SECTION 3. *Allowance for Soil-Building Practices.*—The soil-building allowance for the farm is the maximum amount for which payment may be made for carrying out soil-building practices. This allowance shall be the sum of such of the items set forth in subsections (a), (b), (c), and (d) below as are applicable to the farm; *provided*, that in no event will the soil-building allowance for any farm eligible to earn a diversion payment be less than \$10.00, and in no event will the soil-building allowance for any farm not eligible to earn a diversion payment be less than \$20.00

A farm shall be eligible to earn a diversion payment if such farm has a cotton, tobacco, or peanut soil-depleting base, or if crops in the general soil-depleting base normally are grown in excess of the home-consumption needs of the farm on an acreage not less than 15 percent of such base. Other farms shall not be eligible to earn a diversion payment. A farm for which the general soil-depleting base does not exceed 20 acres and for which there is no cotton, tobacco, or peanut soil-depleting base may be classified as not eligible to earn a diversion payment, if the operator elects not to make a diversion, even though food and feed crops normally are grown in excess of home-consumption needs on an acreage not less than 15 percent of such base.

(a) (1) *On Farms Eligible to Earn a Diversion Payment (whether earned or not).*—\$1.00 for each acre in the minimum soil-conserving acreage for the farm.

(2) *On Farms Not Eligible to Earn a Diversion Payment.*—75 cents for each acre of cropland or \$1.00 for each acre in the minimum soil-conserving acreage for the farm, whichever is larger.

(b) *Commercial Orchards.*—\$1.00 additional for each acre of commercial orchards on the farm on January 1, 1937.

(c) *Commercial Vegetables.*—\$1.00 additional for each acre on which only one crop of commercial vegetables was grown in 1936.

\$2.00 additional for each acre on which two or more crops of commercial vegetables were grown in 1936.

(d) *Non-Crop Pasture.*—25 cents additional for each acre of fenced, non-crop, open pasture land in excess of one-half of the number of acres of cropland on the farm, which



is capable of maintaining during the normal pasture season at least one animal unit for each 5 acres of such pasture land.

The acreage of commercial orchards, of commercial vegetables, and of non-crop pasture, respectively, used in establishing the soil-building allowance for farms in any county or other area, shall not exceed such acreage as shall be established for such county or other area by the Agricultural Adjustment Administration.

**SECTION 4. Payment for Soil-Building Practices.**—Payment will be made, within the limit of the soil-building allowance determined for the farm in accordance with section 3 above, for carrying out in connection with the 1937 Agricultural Conservation Program not later than October 31, 1937, any of the soil-building practices listed herein, upon the conditions and at the rates herein specified; *Provided*, that the practice is carried out by such methods and with such kinds and quantities of seeds, trees, and other materials as conform to good farming practice, and that no part of the labor, seed, trees, or other materials used in connection with such practice is furnished in whole or in part by any State or Federal agency.

(a) *Seeding Legumes and Perennial Grasses.*—For seeding approved seeds of any of the following crops, payment will be made at the rate per acre set forth below.

(1) Alfalfa: \$2.50.

(2) Red clover; mammoth clover; sericea; kudzu; or bluegrass; or any mixture containing 50 percent or more by weight of legumes listed in paragraphs (1) or (2) of this subsection (a): \$2.00.

(3) Austrian winter peas; vetch; crimson clover; alsike clover; sweet clover; annual lespedeza; orchard grass; or any mixture containing 50 percent or more by weight of bluegrass or of legumes listed in paragraphs (1), (2), or (3) of this subsection (a): \$1.50.

(4) White clover; bur clover; crotalaria; redtop; timothy; Dallis grass; carpet grass; or any mixture of grasses or legumes listed in this subsection (a): \$1.00.

(b) *Growing Green Manure Crops and Cover Crops.*—Plowing or disking under as green manure any of the crops named below after the crop has attained a normal growth of at least two months, or leaving on the land certain of these crops grown in 1937. Payment will be made at the rate per acre specified for each such crop; *provided*, however, that if any practice listed in (1) or (2) below is carried out on land normally used to produce commercial vegetables and the County Committee finds that as a result of the carrying-out of such practice one less soil-depleting crop is grown in 1937 than the number of soil-depleting crops normally grown on such land, the rate of payment for such practice shall be twice the rate per acre specified for such practice.

(1) Soybeans, velvet beans, or cowpeas, plowed or disced under: <sup>1</sup> \$2.00.

(2) Crimson clover, Austrian winter peas, or vetch, plowed or disced under; rye, barley, wheat, buckwheat, Italian ryegrass, oats, or mixtures of these, plowed or disced under; Sudan grass, millet, sorghum, or sowed corn, plowed or disced under; soybeans, velvet beans, cowpeas, or lespedeza, not grazed or pastured when all of the forage is left on the land <sup>1</sup>: \$1.00.

(3) Soybeans, velvet beans, cowpeas, crotalaria, sweet clover, or any combination of small grain and legumes, interplanted in commercial orchards, clipped or disced, and left on the land: \$1.50.

(c) *Mulching Orchards.*—Applying in commercial orchards not less than 2 tons of air-dry mulching material per acre in addition to leaving in the orchard all materials produced therein during 1937 from grasses, legumes, or green manure or cover crops. Payment will be made on a quantity not exceeding 5 tons per acre at the rate of \$2.00 per ton.

<sup>1</sup> If the soybeans, velvet beans or cowpeas are interplanted or grown in combination with a soil-depleting row crop, one-half the acreage shall be counted for this practice.

(d) *Planting Forest Trees.*—Planting forest trees including post-producing species. Payment will be made at the rate of \$7.50 per acre when planted on cropland, or at the rate of \$5.00 per acre when planted on other land.

(e) *Improving Stands of Forest Trees.*—Upon prior approval by the County Committee, improving the stand of forest trees by thinning or pruning trees on woodland from which grazing is excluded, to develop approximately 100 potential timber trees of desirable species, well distributed over an acre of woodland. Payment will be made at the rate of \$2.50 per acre.

(f) *Improving Land by the Use of Ground Limestone.*—Applying not less than 1,000 pounds per acre of ground limestone, or its equivalent,<sup>2</sup> on cropland or non-crop pasture land or not less than 500 pounds per acre if the application is made by drilling with the seed of any legume or perennial grass listed in subsection (a) of this section 4. Payment will be made on a quantity not exceeding 2½ tons per acre at the rate of \$2.00 per ton. (Note: In designated counties where the cost of transportation is higher, rates higher than \$2.00 per ton may be paid.)

(g) *Improving Land by the Use of Superphosphate.*—Applying not less than 100 pounds per acre of 16 percent superphosphate, or its equivalent,<sup>3</sup> on any permanent pasture, or in connection with seeding or maintaining any legume or perennial grass listed in subsection (a) of this section 4, or in connection with any green manure crop plowed or disced under as provided in subsection (b) of this section 4. Payment will be made on a quantity not exceeding 500 pounds per acre at the rate of 60 cents per 100 pounds; or, if the superphosphate is applied in connection with a legume or perennial grass listed in subsection (a) of this section 4 seeded in connection with a soil-depleting crop, at the rate of 30 cents per 100 pounds.

In connection with this practice, the Agricultural Adjustment Administration will make available at Sheffield, Alabama, a supply of triple superphosphate (approximately 43 percent superphosphate) which, within the limit of such supply, may, upon requests filed at the county office, be obtained for application on the farm in accordance with the foregoing provisions of this subsection (g). If triple superphosphate is so obtained, 60 cents for each 16 pounds of phosphoric acid contained therein shall, in accordance with instructions to be issued by the Agricultural Adjustment Administration, be deducted from any payment (including payment for carrying out this practice) which otherwise would be made to any person(s) eligible to receive payments with respect to the farm; provided, however, that such deduction will first be made from payments with respect to the farm which otherwise would be made to the person(s) carrying out this practice.

(h) *Improving Land by the Use of Potash.*—Applying not less than 30 pounds per acre of 50 percent muriate of potash or its equivalent,<sup>4</sup> on land on which 16 percent superphosphate or its equivalent is applied in accordance with paragraph (g) above. Payment will be made on a quantity not exceeding 250 pounds per acre, at the rate of \$1.00 per 100 pounds; or, if the muriate of potash is applied as above in connection with a legume or perennial grass seeded in con-

<sup>2</sup> Equivalent quantities of other materials may be substituted for ground limestone; *provided*, that the quantities of other materials so substituted contain not less than the quantities, by weight, of calcium or magnesium oxide contained in the quantities of ground limestone specified. For purposes of this section 4 (f) 100 pounds of ground oyster shell, 70 pounds of hydrated lime, or 50 pounds of burned lime, shall be considered, respectively, to be equivalent to 100 pounds of ground limestone.

<sup>3</sup> Equivalent quantities of other materials may be substituted for 16 percent superphosphate; *provided*, that the quantities of other materials so substituted contain not less than the quantities, by weight, of phosphoric acid contained in 16 percent superphosphate, except that if ground rock phosphate is substituted the quantity of ground rock phosphate so substituted shall be not less than 1½ times the quantity of 16 percent superphosphate.

<sup>4</sup> Equivalent quantities of other materials may be substituted for 50 percent muriate of potash; *provided*, that the quantities of other materials so substituted contain not less than the quantities, by weight, of potash contained in the quantity specified of 50 percent muriate of potash.



nection with a soil-depleting crop, at the rate of \$0.50 per 100 pounds.

(i) *Control of Erosion by Terracing.*—Terracing cropland or non-crop pasture land which the County Committee finds is in need of terracing, with a sufficient amount of properly constructed terrace to give adequate protection against erosion. Payment will be made at the rate of 40 cents per one hundred feet.

(j) *Control of Erosion on Cropland by Subsoiling.*—Subsoiling cropland, which the County Committee finds is in need of subsoiling, to a depth of at least 18 inches with furrows sufficiently close together to completely break the subsoil. Payment will be made at the rate of \$2.00 per acre.

SECTION 5. *1937 Acreage of Soil-Conserving Crops.*—If the 1937 acreage of soil-conserving crops on the farm is less than the minimum acreage of soil-conserving crops (that is, the number of acres in the soil-conserving base plus the number of acres diverted from soil-depleting bases in 1937 upon which payment will be made), a deduction will be made from any payment which otherwise would be made with respect to the farm at the rate of \$3.00 per acre of such deficiency.

Diversion payment will in no event be made with respect to a greater number of acres than the 1937 acreage of soil-conserving crops on the farm.

SECTION 6. *Increase in Acreage of Soil-Depleting Crops.*—If the 1937 acreage of cotton, tobacco, peanuts, or general soil-depleting crops, respectively, on a farm is in excess of the soil-depleting base therefor, deduction will be made from any payment which otherwise would be made with respect to the farm as provided below.

(a) For each acre of cotton, tobacco, or peanuts in excess of the soil-depleting base, a deduction at the rate of payment for diversion for such crop.

(b) For each acre of general soil-depleting crops in excess of the general soil-depleting base, a deduction at the rate of payment for diversion for such crops; *provided*, that no deduction will be made for general soil-depleting crops in excess of the base if such crops are required for home consumption on the farm or if the County Committee finds that such crops are grown in order to replace a shortage of feed crops on the farm caused by drouth or other unfavorable weather conditions in 1936 or 1937.

SECTION 7. *Association Expenses.*—There shall be deducted pro rata from the payments made to members of each County Agricultural Conservation Association all or such part, as the Secretary may prescribe, of the estimated administrative expenses incurred or to be incurred by such association in cooperating in carrying out the Soil Conservation and Domestic Allotment Act.

There shall be credited to each County Agricultural Conservation Association for the payment of administrative expenses the sum of \$2.00 per application for that number of applications submitted by members of such association under which it is estimated by the Agricultural Adjustment Administration the total payment (prior to deduction of any administrative expenses) will be \$20.00 or less.

SECTION 8. *Applicability to Farms under Special Programs.*—The Secretary may designate one or more counties or other areas for which special programs for 1937 will be developed under the Soil Conservation and Domestic Allotment Act. In the event that any such county or other area is designated, the allowances, rates, and conditions of payment for such county or other area will be set forth in a special bulletin and the provisions of this bulletin 101 shall not be applicable in such county or other designated area.

On any farm where a program is carried out in cooperation with the Soil Conservation Service or the Resettlement Administration payment will be made only for such diversion and for carrying out such soil-building practices as are, prior to performance, approved for the farm by the County Committee in accordance with instructions issued by the Secretary.

SECTION 9. *Payments Restricted to Effectuation of Purposes.*—All or any part of any payment which otherwise would be made to any person may be withheld if any prac-

tice is adopted by such person, which the Secretary determines tends to defeat the purposes of the 1937 Agricultural Conservation Program.

## Part II. Classification of Crops

Farm land, when devoted to the crops and uses indicated hereinafter, shall be classified in the manner set forth in this Part II.

SECTION 1. *Soil-Depleting Crops.*—Land on which any of the following crops is grown shall be regarded as used for the production of a soil-depleting crop for the year in which such crop is normally harvested. The acreage of land which is devoted to two or more soil-depleting crops in the same year shall be counted as soil-depleting only once.

(a) Corn (field, sweet, and popcorn).

(b) Cotton.

(c) Tobacco.

(d) Peanuts harvested for nuts.

(e) Broom corn.

(f) Truck and vegetable crops, including also melons, strawberries, potatoes, and sweet potatoes.

(g) Sorghum, when harvested.

(h) Small grains: wheat, oats, barley, rye, buckwheat, and grain mixtures; cut for hay or grain.

(i) Annual grasses: Sudan, millet, and Italian ryegrass, harvested for hay or seed.

(j) Bulbs and flowers.

SECTION 2. *Soil-Conserving Crops.*—Land devoted to any of the following crops and not used in the same year for the growing of any soil-depleting crop, as defined in section 1 of this Part II, shall be regarded as used for the production of a soil-conserving crop, except as otherwise provided in section 3 below. Cropland from which no crop is harvested during 1937 and which is planted in 1937 not later than October 31 to any crop listed below (other than small grains seeded alone in the fall) shall be considered as soil-conserving. If two or more soil-conserving crops are grown on the same land during any year the acreage of such land counted as soil-conserving shall not exceed the acreage on which such crops are grown.

(a) Biennial and perennial legumes: Sweet, red, alsike, white, and mammoth clovers; alfalfa; kudzu; and sericea.

(b) Miscellaneous legumes: Vetch, Austrian winter peas; bur clover and crimson clover; annual varieties of lespedeza; crotalaria.

(c) Summer legumes: Soybeans, velvet beans, field peas, and cowpeas.

(d) Peanuts, when pastured.

(e) Annual grasses: Sudan, millet, and Italian ryegrass, not harvested for hay or seed.

(f) Perennial grasses: Bluegrass, Dallis, redtop, timothy, orchard grass, Bermuda, carpet grass, and mixtures of these.

(g) Small grains: Rye, oats, barley, wheat, buckwheat, and grain mixtures, when not cut for grain or hay, provided a good growth is left on the land. (If plowed under or if a good growth is not left on the land the crop shall be disregarded in classifying the land on which grown, except as otherwise provided.)

(h) Forest trees, planted on cropland since January 1, 1934.

(i) Sweet sorghums, not harvested.

SECTION 3. *Soil-Conserving Crops Grown on Land Used for the Production of a Soil-Depleting Crop.*—Land devoted to any of the combinations of soil-conserving and soil-depleting crops listed below shall be classified as follows:

(a) Acreage on which summer legumes are interplanted or grown in combination with soil-depleting row crops. The entire acreage shall be classified as soil-depleting, and one-half of the acreage also shall be classified as soil-conserving provided the legume occupies at least one-half of the land and attains a good growth.

(b) Acreage on which mixtures of legumes and soil-depleting crops (winter legumes and small grains, or summer legumes and annual grasses) are harvested together. The entire acreage shall be classified as soil-depleting, and one-half of the acreage also shall be classified as soil-conserving



provided not less than 50 percent of the total growth harvested consists of such legumes.

(c) Acreage of legumes classified as soil-conserving or of such a legume and perennial grass following a soil-depleting crop harvested in the same year (whether seeded in or following such soil-depleting crop). The entire acreage shall be classified as soil-depleting, and one-half of the acreage also shall be classified as soil-conserving, except that if the legume is an annual winter legume (crimson clover, vetch, or Austrian winter peas) the entire acreage also shall be classified as soil-conserving.

(d) Acreage of the crops listed in subsection (b) of section 4 of Part I plowed under as green manure after having attained at least two months' normal growth on land from which a commercial vegetable crop is harvested in the same year. The entire acreage of commercial vegetables shall be classified as soil-depleting and the entire acreage also shall be classified as soil-conserving.

**SECTION 4. Neutral Uses.**—Land devoted to the following uses shall be regarded as not used for the production of a soil-depleting crop or a soil-conserving crop:

(a) Vineyards, tree fruits, small fruits, bush fruits, nut trees, and nursery stock not interplanted. (Any portion of the area which is interplanted shall carry the classification and actual acreage of such interplanted crop.)

(b) Idle cropland.

(c) Cultivated fallow land.

(d) Waste land, roads, lanes, lots, yards, and other similar non-crop land.

(e) Woodland, other than cropland planted to forest trees since January 1, 1934.

### *Part III. Establishment of Bases*

The County Committee will recommend for approval by the Secretary a general soil-depleting base, a cotton soil-depleting base, a tobacco soil-depleting base, a peanut soil-depleting base, and a soil-conserving base for each farm participating in the 1937 Agricultural Conservation Program. Such bases shall represent the acreage normally used for the production of general soil-depleting crops, cotton, tobacco, peanuts, and soil-conserving crops, respectively, on such farm. The County Committee also will recommend for each farm a base yield per acre for cotton, tobacco, and peanuts, and a rate of payment for diversion from the general soil-depleting base for the farm.

**SECTION 1. Farms for Which Soil-Depleting Bases Were Established Under the 1936 Program.**—The Soil-depleting bases established for farms under the 1936 Agricultural Conservation Program, together with the accompanying base yields or rates of payment per acre, shall be used as a basis for determining the soil-depleting bases, base yields, or rates per acre for such farms in 1937, with adjustment as provided in section 3 of this Part III.

**SECTION 2. Farms for Which Soil-Depleting Bases Were Not Established Under the 1936 Program.**—On farms for which bases were not established under the 1936 Agricultural Conservation Program, the bases and yields or rates per acre shall, subject to adjustment as provided hereinafter, be determined as follows:

(a) **Cotton Base and Yield.**—A cotton soil-depleting base may be established for a farm:

(1) If one acre or more of cotton was planted on the farm in 1935 or 1936, or

(2) If the entire base cotton acreage for the farm was retired in 1935 under a cotton acreage reduction contract, or

(3) If the County Committee determines that cotton was not planted in either 1935 or 1936 because of unusual weather conditions.

The cotton soil-depleting base and base yield for a farm will be determined upon the basis of the base established under the 1935 cotton acreage reduction program, or, if no such base was established, upon the basis of the acreage grown and yield obtained on the farm in the year 1936.

(b) **Tobacco Base and Yield.**—A tobacco soil-depleting base may be established for any farm on which tobacco was grown in either 1935 or 1936, and for other farms on which the County Committee determines that tobacco was not planted in 1935 or 1936 because of unusual weather conditions.

The tobacco soil-depleting base and base yield for a farm shall be determined upon the basis of the base established for the farm under the 1936-39 tobacco production adjustment program, or, if no such base was established, upon the basis of the acreage grown and yield obtained on the farm in the year 1936.

(c) **Peanut Base and Yield.**—A peanut soil-depleting base may be established for any farm on which peanuts were grown in 1935 or 1936, and for other farms on which the County Committee determines that peanuts were not planted in 1935 or 1936 because of unusual weather conditions.

The peanut soil-depleting base shall be determined upon the basis of the allotted acreage under the 1935 peanut production adjustment program, or, if there was no such allotted acreage, upon the basis of the acreage of peanuts harvested for nuts on the farm in 1936. The base yield of peanuts for the farm shall be that recommended by the County Committee on the basis of the yield per acre on the farm in 1936.

(d) **General Soil-Depleting Base and Rate Per Acre.**—A general soil-depleting base may be established for any farm if soil-depleting crops other than cotton, tobacco, or peanuts were produced thereon in the year 1935 or 1936, and for such other farms as the County Committee determines, in accordance with instructions, are eligible upon the basis of the past production on the farm or by the operator.

The general soil-depleting base for a farm shall be determined upon the basis of the acreage of general soil-depleting crops grown on the farm in 1936. The rate of payment per acre shall be determined upon the basis of the estimated yield per acre for the farm of the crop used under the 1936 program in determining the rate of payment per acre for other farms in the locality.

**SECTION 3. Adjustment in Soil-Depleting Bases.**—(a) **Inequitable Bases.**—The soil-depleting base, the base yield, or the rate of payment per acre determined for each farm in accordance with the provisions of this Part III shall be adjusted upward or downward whenever necessary so as to be equitable for such farm as compared with farms in the same locality which are similar with respect to the past production of crops, size, type of soil, topography, production facilities, and farming practices.

(b) **Unused Bases.**—If the acreage of cotton, tobacco, peanuts, or of crops in the general soil-depleting base planted on a farm in the years 1935 and 1936 has been substantially less than the acreage which could have been planted on the farm in such years with maximum payments with respect to such crops, under the 1935 programs of the Agricultural Adjustment Administration or under the 1936 Agricultural Conservation Program, and such deficiency was not caused by unusual weather conditions, the base shall be adjusted by the County Committee so as to reflect the plantings on the farm in 1935 and 1936 and so as to be equitable as compared with other farms in the locality which are similar with respect to past production of crops, size, type of soil, topography, production facilities, and farming practices.

(c) **Changes in Crop Classification.**—The acreage of small grains harvested for grain or hay, and the acreage of corn interplanted with legumes, classified as soil-conserving in establishing the general soil-depleting base for 1936 for any farm shall be added to such 1936 base in determining the general soil-depleting base for 1937.

(d) **Rate of Payment per Acre.**—The rate of payment for diversion from the general soil-depleting base for each farm for which such a rate was established in 1936 shall be adjusted so as to conform to the adjustment in the average rate of such payment for the United States and shall in each



case reflect the relative productivity of cropland used for the production of crops in the general soil-depleting base.

(e) Notwithstanding the provisions of sections 1 and 2 of this Part III, the Secretary reserves the right to provide for the establishment of any base for a farm in conjunction with a decrease in any other base for the farm under such conditions and within such limits as he may prescribe.

**SECTION 4. Limits of Soil-Depleting Bases.**—The general soil-depleting bases, the cotton soil-depleting bases, the tobacco soil-depleting bases, and the peanut soil-depleting bases, respectively, established for all farms participating in the 1937 Agricultural Conservation Program in any county or other specified area, shall not exceed the acreage for each such soil-depleting base which is established for such farms in such county or other specified area by the Agricultural Adjustment Administration.

The total of the cotton, tobacco, or peanut soil-depleting bases, respectively, established in 1937 for farms on which such bases were not established in 1936, or on which no cotton or tobacco base acreage or allotted peanut acreage was established under a commodity adjustment program in 1935, shall not exceed such acreage in any county or other area as shall be obtained by downward adjustment of the respective soil-depleting bases, base acreages, or allotted acreage previously established for other farms in such county or other area, except as approved by the Agricultural Adjustment Administration.

The weighted average of the rate per acre for diversion from the general soil-depleting base and the weighted average base yield of cotton, tobacco, and peanuts for all farms for which soil-depleting bases are established in any county or other specified area shall not exceed the respective rate per acre or base yield established for such crop(s) for such county or other specified area by the Agricultural Adjustment Administration.

**SECTION 5. Soil-Conserving Base.**—The soil-conserving base for a farm will be determined upon the basis of the 1936 acreage of soil-conserving crops on the farm, with such adjustment as is necessary to correct abnormally small or large acreages caused by unusual weather conditions or any increase in the acreage of such crops under the 1936 Agricultural Conservation Program. Such acreage shall, if necessary, be further adjusted for each farm so as to represent an acreage of soil-conserving crops which is fair and equitable for the farm as compared with other farms in the locality which are similar with respect to the past production of crops, size, and farming practices, and shall in no event be less than the total acreage of cropland minus the sum of the soil-depleting bases and the normal acreage of neutral cropland on the farm.

The total of the soil-conserving bases for farms in any county or other area shall not be greater than the maximum or less than the minimum acreage established for such bases in the county or other area by the Agricultural Adjustment Administration.

#### Part IV. Miscellaneous Provisions

**SECTION 1. Land To Be Included Under Application.**—An application may be submitted with respect to any farm or with respect to any two or more farms operated by the same person.

**SECTION 2. Application and Eligibility for Payment.**—(a) Payment will be made only upon applications submitted through the county office. The Secretary reserves the right to withhold payment to any person who fails to file any form or furnish any information required with respect to any farm in which he is interested as owner or operator and to refuse to accept any application for payment if such application or any other form or information required is not submitted to the county office within the time fixed by the Director of the East Central Division.

(b) An application for payment may be made by any person who as owner, share-tenant or sharecropper is entitled to receive a share or all of the crops produced on the farm in 1937 or the proceeds therefrom or who rents the land to a producer for cash or for a fixed commodity payment and

who incurs any part or all of the expense of carrying out a soil-building practice on the farm.

(c) In the event of the death or legal incompetency of an applicant for payment, any payment which has not been received by such applicant prior to his death or incompetency and which would otherwise be made to such applicant, shall be made to the person who under rules prescribed by the Secretary, is determined to be eligible to receive such payment.

(d) In case a farm is located in two or more counties, the farm shall be regarded as being in the county in which the principal dwelling on such farm is located, or, if there is no such dwelling on such farm, in the county in which the major portion of the farm is located.

(e) Any person who files an application for payment in a county shall file an application with respect to each farm owned or operated by such person in the county. Upon request by the State Committee such person also shall file an application with respect to any farm owned or operated by him in any other county.

**SECTION 3. Membership in Association.**—Any person having an interest in the crops produced on any farm, or the proceeds thereof, who is not a member of the County Agricultural Conservation Association for the county in which such farm is located shall become a member of such association whenever any form or information required in connection with the 1937 Agricultural Conservation Program is submitted for such farm. Any person shall cease to be a member of the association if an application for payment is not filed by him within the time specified by the Director of the East Central Division for the filing of applications.

**SECTION 4. Division of Payments.**—Payments with respect to any farm included under an application shall be divided as follows:

(a) *Diversion Payment With Respect to Cotton and Peanuts.*—

(1) 37½ percent to the producer who furnished the land,

(2) 12½ percent to the producer who furnished the workstock and equipment, and

(3) 50 percent to be divided among the producers who are parties to the lease or operating agreement in the proportion that such producers are entitled to share in the cotton or peanut crops, respectively, grown on the farm in 1937, or the proceeds thereof.

(b) *Diversion Payment With Respect to Tobacco and General Soil-Depleting Crops.*—

(1) 15 percent to the producer who furnished the land,

(2) 15 percent to the producer who furnished the workstock and equipment, and

(3) 70 percent to be divided among the producers who are parties to the lease or operating agreement in the proportion that such producers are entitled to share in the tobacco or in the general soil-depleting crops, respectively, grown on the farm in 1937, or the proceeds thereof.

(c) *Payment With Respect to Soil-Building Practices.*—The soil-building payment with respect to the acreage on which any approved soil-building practice is carried out on any farm shall be made to the producer or the person who rents the land to the producer for cash or for a fixed commodity payment whom the County Committee determines, under instructions issued by the Secretary, has incurred the expense of carrying out such soil-building practice; if the County Committee determines that two or more such persons have incurred the expense of carrying out such practice on the farm, the soil-building payment calculated for the particular acreage with respect to which such persons shared in such expense shall be divided equally among them.

(d) *Computation of Shares of Payments.*—Any share of payments shall be computed without regard to questions of title under State law, without deduction of claims for advances, and without regard to any claim or lien against the crop or proceeds thereof in favor of any creditor.



(e) *Division of Diversion Payment Under Specified Conditions on Farms Where There Are Two or More Producers.*—

(1) If the 1937 acreage of the crop(s) in any soil-depleting base is zero, or, because of partial crop failure is substantially smaller than the acreage which, but for such failure, would have been grown in 1937, the portion of the diversion payment with respect to the crop which is to be divided on the basis of the shares in the crop shall be divided among the producers who remain entitled to share in any crop actually grown on the farm in 1937 in proportion to the share of each such producer in the crop as it was intended to be grown.

(2) In cases where the County Committee finds that the share of one or more producers in the acreage diverted in 1937 from any soil-depleting base differs materially from the share of such producer(s) in the 1937 acreage of the crops in such base, that portion of the diversion payment with respect to such base to be divided on the basis of the shares in the crop, shall be divided on the basis of the shares in the acreage diverted by such producers.

The acreage diverted by each producer may be determined by agreement of all producers on the farm by appearing before at least two members of the County Committee and indicating their agreement. In any such case there shall be submitted to the State Office at the time of submission of the application for the farm a certification signed by each producer in the presence of and approved by at least two members of the County Committee that the agreement has been reached voluntarily in accordance with the foregoing provisions.

Where agreement of all producers is not obtained, the County Committee may recommend, subject to the approval of the State Committee and the Director of the East Central Division, their determination of the acreage diverted by each producer, such recommendation to be accompanied by a complete statement of all of the facts upon which the recommendation is based.

**SECTION 5. Changes in Leasing or Cropping Agreement or Other Devices.**—If it shall appear from an investigation made by the State Committee that any person who has made an application for a payment pursuant to the provisions of the 1936 or the 1937 Agricultural Conservation Program has made any change in the normal leasing or cropping agreement for the farm or has employed or participated in any other scheme or device whatsoever the effect of which would be or has been to deprive any other person of any payment or share therein to which such other person would normally be entitled, the Secretary may withhold from the person participating in or employing such a scheme or device, or require such person to refund, in whole or in part the amount of any payment which had been or would otherwise be made to such person for performance in connection with the 1937 Agricultural Conservation Program.

**SECTION 6. Multiple Farm Holdings.**—If a person who has made application for a payment with respect to any farm or farms has an interest as owner or operator in another farm or farms in the county on which the acreage used for the production of crops included in any soil-depleting base exceeds such base and such other farm or farms have not been included in an application under which a payment can be made, the payment to be made to such person shall be decreased by an amount equal to such person's share of the net deductions with respect to such other farm or farms.

The provisions of this section may be extended to include farms in two or more counties in the State in which any person as owner or operator is entitled to receive a share of the crops produced thereon, or the proceeds thereof, if the acreage used for the production of any soil-depleting crop(s) on any such farm has been increased to such an extent as to tend to defeat the purposes of the 1937 Agricultural Conservation Program.

#### Part V. Definitions

As used herein and in all forms and documents relating to the 1937 Agricultural Conservation Program in the East Cen-

tral Region, the following terms shall have the following meanings:

*Secretary* means the Secretary of Agriculture of the United States.

*East Central Region* means the area included in the States of Delaware, Maryland, Virginia, West Virginia, North Carolina, Kentucky, and Tennessee.

*East Central Division* means the division in the Agricultural Adjustment Administration in charge of the 1937 Agricultural Conservation Program in the East Central Region.

*State Committee, State Agricultural Conservation Committee, or State Office* means the group of persons designated for North Carolina to assist in the administration of the 1937 Agricultural Conservation Program in the State.

*County Committee, County Agricultural Conservation Committee, or County Office* means the group of persons designated for any county to assist in the administration of the 1937 Agricultural Conservation Program in such county.

*Person* means an individual, partnership, association, corporation, estate, or trust, and wherever applicable, a State, a political subdivision of a State, or any agency thereof, or any other government agency that may be designated by the Secretary.

*Operator* means any person who as owner or share-tenant actively supervises and directs the farming activities throughout the 1937 farming season.

*Owner* means a person who owns land which is not rented to another for cash or for a fixed commodity payment; and shall include a person who rents land from another for cash or for a fixed commodity payment or who is purchasing land for cash or fixed commodity payments.

*Sharecropper* means a person who works a farm in whole or in part under general supervision of the operator and is entitled to receive for his labor a proportionate share of such crops, or the proceeds thereof.

*Share-tenant* means a person, other than an owner or sharecropper, who is working a part or the whole of a farm and is entitled to receive a portion of the crops produced thereon or the proceeds thereof.

*Producer* means an owner, a share-tenant, or sharecropper, who, under the terms of his lease or operating agreement, is entitled to share in the crops grown on the farm in 1937 or the proceeds thereof.

*Cropland* means all farm land which is tillable and on which at least one crop other than wild hay was harvested or planted for harvest between January 1, 1930, and January 1, 1937, and any other farm land devoted on January 1, 1937, to orchards or vineyards other than those abandoned.

*Cotton soil-depleting base* means the number of acres established for the farm as the acreage normally used for the production of cotton.

*Tobacco soil-depleting base* means the number of acres established for the farm as the acreage normally used for the production of tobacco.

*Peanut soil-depleting base* means the number of acres established for the farm as the acreage normally used for the production of peanuts.

*General soil-depleting base* means the number of acres established for the farm as the acreage normally used for the production of all soil-depleting crops other than cotton, tobacco, and peanuts.

*Soil-conserving base* means the number of acres established for the farm as the acreage of soil-conserving crops normally grown on the farm.

*Minimum acreage of soil-conserving crops* means the soil-conserving base for the farm plus the number of acres diverted from soil-depleting bases in 1937 for which payment can be made.

*Diversion payment* means a payment for the diversion of acreage from any soil-depleting base.

*Soil-building payment* means a payment for the carrying out of any approved soil-building practice.

*Soil-building allowance* means the largest amount for any farm that may be obtained as a soil-building payment.

*Farm* means all land which is farmed by an operator in 1937 as a single unit with work stock, farm machinery, and



labor substantially separate from that for any other land; provided that any such unit shall not be considered a farm unless the County Committee finds, from a consideration of such factors as size of unit, amount of labor applied, nature of farming operations, and practices carried out, that the participation of such unit in the 1937 Agricultural Conservation Program would tend to promote the economic use and conservation of the land and preserve and improve its fertility for agricultural purposes.

*Commercial orchard* means any acreage in tree fruits, cultivated nut trees, vineyards, or bush fruits on the farm on January 1, 1937, from which the principal part of the production is normally sold off the farm, including also the acreage of young non-bearing orchards from which the principal part of production will be sold in 1937 or later.

*Commercial vegetables* means any acreage of vegetables or truck crops (including also potatoes, sweet potatoes, sweet corn, melons, cantaloups, and strawberries, but excluding sweet corn for canning and peas for canning), from which the principal part of the production was sold off the farm in 1936.

*Animal Unit* means one cow, one horse, five sheep, five goats, two calves, or two colts, or the equivalent thereof.

In testimony whereof, H. A. Wallace, Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington, District of Columbia, this 21st day of January 1937.

[SEAL]

H. A. WALLACE,  
Secretary of Agriculture.

[F. R. Doc. 37-236; Filed, January 25, 1937, 11:30 a.m.]

ECR—B-101—Tennessee. East Central Division, January 21, 1937  
1937 AGRICULTURAL CONSERVATION PROGRAM—EAST CENTRAL REGION.

#### BULLETIN 101—TENNESSEE

Pursuant to the authority vested in the Secretary of Agriculture under section 8 of the Soil Conservation and Domestic Allotment Act, as amended, payments will be made, in connection with the effectuation of the purposes of section 7 (a) of said Act for 1937, in accordance with the provisions of this East Central Region Bulletin 101 for the State of Tennessee and such modifications or other provisions as may hereafter be made.

The 1937 Agricultural Conservation Program has been developed in accordance with the provisions of sections 8, 15, and 16 of the Soil Conservation and Domestic Allotment Act, but the payment of any benefits pursuant to the provisions of this bulletin is contingent upon such appropriation, if any, as the Congress of the United States may hereafter make for such purpose, and the amounts of such payments will be finally determined by such appropriation and the extent of participation in the program. The rates of payment and the soil-building allowance set forth herein are computed upon the basis of an appropriation of \$500,000,000 for the 1937 program for the Nation and 85 percent participation by farmers. The payments calculated in accordance with the provisions of Part I of this Bulletin 101 may be increased or decreased depending upon the extent of participation in the East Central Region, but any such variation will not be in excess of 10 percent.

#### Part I. Rates and Conditions of Payment

Payment will be made in connection with the utilization in 1937 of the land on any farm in the State of Tennessee, in the amounts and subject to the conditions hereinafter set forth.

**SECTION 1. Payment for Diversion from Cotton, Tobacco, and Peanut Soil-Depleting Bases.**—For each acre diverted from any cotton, tobacco, or peanut soil-depleting base for the farm, payment will be made as follows:

(a) *Cotton*.—5 cents per pound of the base yield per acre of cotton for the farm, for each acre diverted not in excess of 35 percent of the cotton soil-depleting base, except that, if such base is 5.7 acres or less, payment may be made for diverting all or any part of such base not to exceed 2 acres.

(b) *Tobacco—Burley*.—5 cents per pound of the base yield per acre of such tobacco for the farm, for each acre diverted not in excess of 25 percent of the soil-depleting base for such kind of tobacco.

(c) *Tobacco—Fire-cured and dark air-cured*.—3½ cents per pound of the base yield per acre of such tobacco for the farm, for each acre diverted not in excess of 30 percent of the soil-depleting base for such kind of tobacco.

(d) *Peanuts*.—1¼ cents per pound of the base yield per acre of peanuts for the farm, for each acre diverted not in excess of 15 percent of the peanut soil-depleting base.

**SECTION 2. Payment for Diversion from the General Soil-Depleting Base.**—For each acre diverted from the general soil-depleting base for the farm, not in excess of 15 percent of such base, payment will be made at a rate which will average \$9.00 per acre for the United States, varied among farms according to relative productivity of cropland used for the production of crops in the general soil-depleting base; *provided*, that payment will not be made for diversion from the general soil-depleting base for a farm unless crops in such base are normally grown in excess of the home consumption needs of the farm on an acreage not less than 15 percent of such base.

**SECTION 3. Allowance for Soil-Building Practices.**—The soil-building allowance for the farm is the maximum amount for which payment may be made for carrying out soil-building practices. This allowance shall be the sum of such of the items set forth in subsections (a), (b), (c), and (d) below as are applicable to the farm; *provided*, that in no event will the soil-building allowance for any farm eligible to earn a diversion payment be less than \$10.00, and in no event will the soil-building allowance for any farm not eligible to earn a diversion payment be less than \$20.00.

A farm shall be eligible to earn a diversion payment if such farm has a cotton, tobacco, or peanut soil-depleting base, or if crops in the general soil-depleting base normally are grown in excess of the home consumption needs of the farm on an acreage not less than 15 percent of such base. Other farms shall not be eligible to earn a diversion payment. A farm for which the general soil-depleting base does not exceed 20 acres and for which there is no cotton, tobacco, or peanut soil-depleting base may be classified as not eligible to earn a diversion payment, if the operator elects not to make a diversion, even though food and feed crops normally are grown in excess of home consumption needs on an acreage not less than 15 percent of such base.

(a) (1) *On Farms Eligible to Earn a Diversion Payment (whether earned or not)*.—\$1.00 for each acre in the minimum soil-conserving acreage for the farm.

(2) *On Farms Not Eligible to Earn a Diversion Payment*.—75 cents for each acre of cropland, or \$1.00 for each acre in the minimum soil-conserving acreage for the farm, whichever is larger.

(b) *Commercial Orchards*.—\$1.00 additional for each acre of commercial orchards on the farm on January 1, 1937.

(c) *Commercial Vegetables*.—\$1.00 additional for each acre on which only one crop of commercial vegetables was grown in 1936.

\$2.00 additional for each acre on which two or more crops of commercial vegetables were grown in 1936.

(d) *Non-Crop Pasture*.—25 cents additional for each acre of fenced, non-crop, open pasture land in excess of one-half of the number of acres of cropland on the farm, which is capable of maintaining during the normal pasture season at least one animal unit for each 5 acres of such pasture land.

The acreage of commercial orchards, of commercial vegetables, and of non-crop pasture, respectively, used in establishing the soil-building allowance for farms in any county



or other area, shall not exceed such acreage as shall be established for such county or other area by the Agricultural Adjustment Administration.

**SECTION 4. Payment for Soil-Building Practices.**—Payment will be made, within the limit of the soil-building allowance determined for the farm in accordance with section 3 above, for carrying out in connection with the 1937 Agricultural Conservation Program not later than October 31, 1937, any of the soil-building practices listed herein, upon the conditions and at the rates herein specified; *provided*, that the practice is carried out by such methods and with such kinds and quantities of seeds, trees, and other materials as conform to good farming practice, and that no part of the labor, seed, trees, or other materials used in connection with such practice is furnished in whole or in part by any State or Federal agency.

(a) *Seeding Legumes and Perennial Grasses.*—For seeding approved seeds of any of the following crops, payment will be made at the rate per acre set forth below.

(1) Alfalfa: \$2.50.

(2) Red clover; mammoth clover; sericea; kudzu; or bluegrass; or any mixture containing 50 percent or more by weight of legumes listed in paragraphs (1) or (2) of this subsection (a): \$2.00.

(3) Austrian winter peas; vetch; crimson clover; alsike clover; sweet clover; annual lespedeza; orchard grass; or any mixture containing 50 percent or more by weight of bluegrass or of legumes listed in paragraphs (1), (2), or (3) of this subsection (a): \$1.50.

(4) White clover; bur clover; crotalaria; redtop; timothy; or any mixture of grasses or legumes listed in this subsection (a): \$1.00.

(b) *Growing Green Manure Crops and Cover Crops.*—Plowing or disking under as green manure any of the crops named below after the crop has attained a normal growth of at least two months, or leaving on the land certain of these crops grown in 1937. Payment will be made at the rate per acre specified for each such crop; *provided*, however, that if any practice listed in (1) or (2) below is carried out on land normally used to produce commercial vegetables and the County Committee finds that as a result of the carrying-out of such practice one less soil-depleting crop is grown in 1937 than the number of soil-depleting crops normally grown on such land, the rate of payment for such practice shall be twice the rate per acre specified for such practice.

(1) Soybeans, velvet beans, or cowpeas, plowed or disced under: <sup>1</sup> \$2.00.

(2) Crimson clover, Austrian winter peas, or vetch, plowed or disced under; rye, barley, wheat, Italian ryegrass, oats, or mixtures of these; plowed or disced under; Sudan grass, millet, sorghum, plowed or disced under; lespedeza, soybeans, velvet beans, or cowpeas, not grazed or pastured when all of the forage is left on the land: <sup>1</sup> \$1.00.

(3) Soybeans, cowpeas, velvet beans, sweet clover, or any combination of small grain and legumes, interplanted in commercial orchards, clipped or disced, and left on the land: \$1.50.

(c) *Mulching Orchards.*—Applying in commercial orchards not less than 2 tons of air-dry mulching material per acre in addition to leaving in the orchard all materials produced therein during 1937 from grasses, legumes, or green manure or cover crops. Payment will be made on a quantity not exceeding 5 tons per acre at the rate of \$2.00 per ton.

(d) *Planting Forest Trees.*—Planting forest trees, including post-producing species. Payment will be made at the rate of \$7.50 per acre when planted on cropland or at the rate of \$5.00 per acre when planted on other land.

(e) *Improving Stands of Forest Trees.*—Upon prior approval by the County Committee, improving the stand of forest trees by thinning or pruning trees on woodland from

<sup>1</sup> If the soybeans, velvet beans, or cowpeas are interplanted or grown in combination with a soil-depleting row crop, one-half the acreage shall be counted for this practice.

which grazing is excluded, to develop approximately 100 potential timber trees of desirable species, well distributed over an acre of woodland. Payment will be made at the rate of \$2.50 per acre.

(f) *Improving Land by the Use of Ground Limestone.*—Applying not less than 1,000 pounds per acre of ground limestone, or its equivalent,<sup>2</sup> on cropland or non-crop pasture land or not less than 500 pounds per acre if the application is made by drilling with the seed of any legume or perennial grass listed in subsection (a) of this section 4. Payment will be made on a quantity not exceeding 2½ tons per acre at the rate of \$1.50 per ton.

(g) *Improving Land by the Use of Superphosphate.*—Applying not less than 100 pounds per acre of 16 percent superphosphate, or its equivalent,<sup>3</sup> on any permanent pasture, or in connection with seeding or maintaining any legume or perennial grass listed in subsection (a) of this section 4, or in connection with any green manure crop plowed or disced under as provided in subsection (b) of this section 4. Payment will be made on a quantity not exceeding 500 pounds per acre at the rate of 60 cents per 100 pounds; or, if the superphosphate is applied in connection with a legume or perennial grass listed in subsection (a) of this section 4 seeded in connection with a soil-depleting crop, at the rate of 30 cents per 100 pounds.

In connection with this practice, the Agricultural Adjustment Administration will make available at Sheffield, Alabama, a supply of triple superphosphate (approximately 43 percent superphosphate) which, within the limit of such supply, may, upon requests filed at the county office, be obtained for application on the farm in accordance with the foregoing provisions of this subsection (g). If triple superphosphate is so obtained, 60 cents for each 16 pounds of phosphoric acid contained therein shall, in accordance with instructions to be issued by the Agricultural Adjustment Administration, be deducted from any payment (including payment for carrying out this practice) which otherwise would be made to any person(s) eligible to receive payments with respect to the farm; *provided*, however, that such deduction will first be made from payments with respect to the farm which otherwise would be made to the person(s) carrying out this practice.

(h) *Control of Erosion by Terracing.*—Terracing cropland or non-crop pasture land which the County Committee finds is in need of terracing, with a sufficient amount of properly constructed terrace to give adequate protection against erosion. Payments will be made at the rate of 40 cents per one hundred feet.

**SECTION 5. 1937 Acreage of Soil-Conserving Crops.**—If the 1937 acreage of soil-conserving crops on the farm is less than the minimum acreage of soil-conserving crops (that is, the number of acres in the soil-conserving base plus the number of acres diverted from soil-depleting bases in 1937 upon which payment will be made), a deduction will be made from the payment which otherwise would be made with respect to the farm at the rate of \$3.00 per acre of such deficiency.

Diversion payment will in no event be made with respect to a greater number of acres than the 1937 acreage of soil-conserving crops on the farm.

**SECTION 6. Increase in Acreage of Soil-Depleting Crops.**—If the 1937 acreage of cotton, tobacco, peanuts or general soil-depleting crops, respectively, on a farm is in excess of

<sup>2</sup> Equivalent quantities of other materials may be substituted for ground limestone; *provided*, that the quantities of other materials so substituted contain not less than the quantities, by weight, of calcium or magnesium oxide contained in the quantities of ground limestone specified. For purposes of this section 4 (f) 100 pounds of ground oyster shell, 70 pounds of hydrated lime, or 50 pounds of burned lime, shall be considered, respectively, to be equivalent to 100 pounds of ground limestone.

<sup>3</sup> Equivalent quantities of other materials may be substituted for 16 percent superphosphate; *provided*, that the quantities of other materials so substituted contain not less than the quantities, by weight, of phosphoric acid contained in 16 percent superphosphate, except that if ground rock phosphate is substituted the quantity of ground rock phosphate so substituted shall be not less than 1½ times the quantity of 16 percent superphosphate.



the soil-depleting base therefor, deduction will be made from any payment which otherwise would be made with respect to the farm as provided below.

(a) For each acre of cotton, tobacco, or peanuts in excess of the soil-depleting base, a deduction at the rate of payment for diversion for such crop.

(b) For each acre of general soil-depleting crops in excess of the general soil-depleting base, a deduction at the rate of payment for diversion for such crops; *provided*, that no deduction will be made for general soil-depleting crops in excess of the base if such crops are required for home consumption on the farm or if the County Committee finds that such crops are grown in order to replace a shortage of feed crops on the farm caused by drouth or other unfavorable weather conditions in 1936 or 1937.

SECTION 7. *Association Expenses.*—There shall be deducted pro rata from the payments made to members of each County Agricultural Conservation Association all or such part, as the Secretary may prescribe, of the estimated administrative expenses incurred or to be incurred by such association in cooperating in carrying out the Soil Conservation and Domestic Allotment Act.

There shall be credited to each County Agricultural Conservation Association for the payment of administrative expenses the sum of \$2.00 per application for that number of applications submitted by members of such association under which it is estimated by the Agricultural Adjustment Administration the total payment (prior to deduction of any administrative expenses) will be \$20.00 or less.

SECTION 8. *Applicability to Farms under Special Programs.*—The Secretary may designate one or more counties or other areas for which special programs for 1937 will be developed under the Soil Conservation and Domestic Allotment Act. In the event that any such county or other area is designated, the allowances, rates, and conditions of payment for such county or other area will be set forth in a special bulletin and the provisions of this bulletin 101 shall not be applicable in such county or other designated area.

On any farm where a program is carried out in cooperation with the Soil Conservation Service or the Resettlement Administration payment will be made only for such diversion and for carrying out such soil-building practices as are, prior to performance, approved for the farm by the County Committee in accordance with instructions issued by the Secretary.

SECTION 9. *Payments Restricted to Effectuation of Purposes.*—All or any part of any payment which otherwise would be made to any person may be withheld if any practice is adopted by such person, which the Secretary determines tends to defeat the purposes of the 1937 Agricultural Conservation Program.

## Part II. Classification of Crops

Farm land, when devoted to the crops and uses indicated hereinafter, shall be classified in the manner set forth in this Part II.

SECTION 1. *Soil-Depleting Crops.*—Land on which any of the following crops is grown shall be regarded as used for the production of a soil-depleting crop for the year in which such crop is normally harvested. The acreage of land which is devoted to two or more soil-depleting crops in the same year shall be counted as soil-depleting only once.

- (a) Corn (field, sweet, and popcorn).
- (b) Cotton.
- (c) Tobacco.
- (d) Peanuts harvested for nuts.
- (e) Broom corn.
- (f) Truck and vegetable crops, including also melons, strawberries, potatoes, and sweet potatoes.
- (g) Sorghum, when harvested.
- (h) Small grains: wheat, oats, barley, rye, buckwheat, and grain mixtures; cut for hay or grain.
- (i) Annual grasses: Sudan, millet, and Italian ryegrass, harvested for hay or seed.
- (j) Bulbs and flowers.

SECTION 2. *Soil-Conserving Crops.*—Land devoted to any of the following crops and not used in the same year for the growing of any soil-depleting crop, as defined in section 1 of this Part II, shall be regarded as used for the production of a soil-conserving crop, except as otherwise provided in section 3 below. Cropland from which no crop is harvested during 1937 and which is planted in 1937 not later than October 31 to any crop listed below (other than small grains seeded alone in the fall) shall be considered as soil-conserving. If two or more soil-conserving crops are grown on the same land during any year the acreage of such land counted as soil-conserving shall not exceed the acreage on which such crops are grown.

(a) Biennial and perennial legumes: Sweet, red, alsike, white, and mammoth clovers; alfalfa; kudzu; and sericea.

(b) Miscellaneous legumes: Vetch, Austrian winter peas; bur clover and crimson clover; annual varieties of lespedeza; crotalaria.

(c) Summer legumes: Soybeans, velvet beans, field peas, and cowpeas.

(d) Peanuts, when pastured.

(e) Annual grasses: Sudan, millet, and Italian ryegrass, not harvested for hay or seed.

(f) Perennial grasses: Bluegrass, Dallis, redtop, timothy, orchard grass, Bermuda, carpet grass, and mixtures of these.

(g) Small grains: Rye, oats, barley, wheat, buckwheat, and grain mixtures, when not cut for grain or hay, provided a good growth is left on the land. (If plowed under or if a good growth is not left on the land the crop shall be disregarded in classifying the land on which grown except as otherwise provided.)

(h) Forest trees, planted on cropland since January 1, 1934.

(i) Sweet Sorghums, not harvested.

SECTION 3. *Soil-Conserving Crops Grown on Land Used for the Production of a Soil-Depleting Crop.*—Land devoted to any of the combinations of soil-conserving and soil-depleting crops listed below shall be classified as follows:

(a) Acreage on which summer legumes are interplanted or grown in combination with soil-depleting row crops. The entire acreage shall be classified as soil-depleting, and one-half of the acreage also shall be classified as soil-conserving provided the legume occupies at least one-half of the land and attains a good growth.

(b) Acreage on which mixtures of legumes and soil-depleting crops (winter legumes and small grains, or summer legumes and annual grasses) are harvested together. The entire acreage shall be classified as soil-depleting, and one-half of the acreage also shall be classified as soil-conserving provided not less than 50 percent of the total growth harvested consists of such legumes.

(c) Acreage of legumes classified as soil-conserving or of such a legume and perennial grass following a soil-depleting crop harvested in the same year (whether seeded in or following such soil-depleting crop). The entire acreage shall be classified as soil-depleting, and one-half of the acreage also shall be classified as soil-conserving, except that if the legume is an annual winter legume (crimson clover, vetch, or Austrian winter peas) the entire acreage also shall be classified as soil-conserving.

(d) Acreage of the crops listed in subsection (b) of section 4 of Part I plowed under as green manure after having attained at least two months' normal growth on land from which a commercial vegetable crop is harvested in the same year. The entire acreage of commercial vegetables shall be classified as soil-depleting and the entire acreage also shall be classified as soil-conserving.

SECTION 4. *Neutral Uses.*—Land devoted to the following uses shall be regarded as not used for the production of a soil-depleting crop or a soil-conserving crop:

(a) Vineyards, tree fruits, small fruits, bush fruits, nut trees, and nursery stock not interplanted. Any portion of the area which is interplanted shall carry the classification and actual acreage of such interplanted crop.

(b) Idle cropland.

(c) Cultivated fallow land.



(d) Waste land, roads, lanes, lots, yards, and other similar non-crop land.

(e) Woodland, other than cropland planted to forest trees since January 1, 1934.

### *Part III. Establishment of Bases*

The County Committee will recommend for approval by the Secretary a general soil-depleting base, a cotton soil-depleting base, a tobacco soil-depleting base, a peanut soil-depleting base, and a soil-conserving base for each farm participating in the 1937 Agricultural Conservation Program. Such bases shall represent the acreage normally used for the production of general soil-depleting crops, cotton, tobacco, peanuts, and soil-conserving crops, respectively, on such farm. The County Committee also will recommend for each farm a base yield per acre for cotton, tobacco, and peanuts, and a rate of payment for diversion from the general soil-depleting base for the farm.

**SECTION 1. Farms for Which Soil-Depleting Bases Were Established Under the 1936 Program.**—The soil-depleting bases established for farms under the 1936 Agriculture Conservation Program, together with the accompanying base yields or rates of payment per acre, shall be used as a basis for determining the soil-depleting bases, base yields, or rates per acre for such farms in 1937, with adjustment as provided in section 3 of this Part III.

**SECTION 2. Farms for Which Soil-Depleting Bases Were Not Established Under the 1936 Program.**—On farms for which bases were not established under the 1936 Agricultural Conservation Program, the bases and yields or rates per acre shall, subject to adjustment as provided hereinafter, be determined as follows:

(a) *Cotton Base and Yield.*—A cotton soil-depleting base may be established for a farm:

- (1) If one acre or more of cotton was planted on the farm in 1935 or 1936, or
- (2) If the entire base cotton acreage for the farm was retired in 1935 under a cotton acreage reduction contract, or
- (3) If the County Committee determines that cotton was not planted in either 1935 or 1936 because of unusual weather conditions.

The cotton soil-depleting base and base yield for a farm will be determined upon the basis of the base established under the 1935 cotton acreage reduction program, or, if no such base was established, upon the basis of the acreage grown and yield obtained on the farm in the year 1936.

(b) *Tobacco Base and Yield.*—A tobacco soil-depleting base may be established for any farm on which tobacco was grown in either 1935 or 1936, and for other farms on which the County Committee determines that tobacco was not planted in 1935 or 1936 because of unusual weather conditions.

The tobacco soil-depleting base and base yield for a farm shall be determined upon the basis of the base established for the farm under the 1936-39 tobacco production adjustment program, or, if no such base was established, upon the basis of the acreage grown and yield obtained on the farm in the year 1936.

(c) *Peanut Base and Yield.*—A peanut soil-depleting base may be established for any farm on which peanuts were grown in 1935 or 1936, and for other farms on which the County Committee determines that peanuts were not planted in 1935 or 1936 because of unusual weather conditions.

The peanut soil-depleting base shall be determined upon the basis of the allotted acreage under the 1935 peanut production adjustment program, or, if there was no such allotted acreage, upon the basis of the acreage of peanuts harvested for nuts on the farm in 1936. The base yield of peanuts for the farm shall be that recommended by the County Committee on the basis of the yield per acre on the farm in 1936.

(d) *General Soil-Depleting Base and Rate Per Acre.*—A general soil-depleting base may be established for any farm if soil-depleting crops other than cotton, tobacco, or peanuts

were produced thereon in the year 1935 or 1936, and for such other farms as the County Committee determines, in accordance with instructions, are eligible upon the basis of the past production on the farm or by the operator.

The general soil-depleting base for a farm shall be determined upon the basis of the acreage of general soil-depleting crops grown on the farm in 1936. The rate of payment per acre shall be determined upon the basis of the estimated yield per acre for the farm of the crop used under the 1936 program in determining the rate of payment per acre for other farms in the locality.

**SECTION 3. Adjustment in Soil-Depleting Bases.**—(a) *Inequitable Bases.*—The soil-depleting base, the base yield, or the rate of payment per acre determined for each farm in accordance with the provisions of this Part III shall be adjusted upward or downward whenever necessary so as to be equitable for such farm as compared with farms in the same locality which are similar with respect to the past production of crops, size, type of soil, topography, production facilities, and farming practices.

(b) *Unused Bases.*—If the acreage of cotton, tobacco, peanuts, or of crops in the general soil-depleting base planted on a farm in the years 1935 and 1936 has been substantially less than the acreage which could have been planted on the farm in such years with maximum payments with respect to such crops, under the 1935 programs of the Agricultural Adjustment Administration or under the 1936 Agricultural Conservation Program, and such deficiency was not caused by unusual weather conditions, the base shall be adjusted by the County Committee so as to reflect the plantings on the farm in 1935 and 1936 and so as to be equitable as compared with other farms in the locality which are similar with respect to past production of crops, size, type of soil, topography, production facilities, and farming practices.

(c) *Changes in Crop Classification.*—The acreage of small grains harvested for grain or hay, and the acreage of corn interplanted with legumes, classified as soil-conserving in establishing the general soil-depleting base for 1936 for any farm shall be added to such 1936 base in determining the general soil-depleting base for 1937.

(d) *Rate of Payment per Acre.*—The rate of payment for diversion from the general soil-depleting base for each farm for which such a rate was established in 1936 shall be adjusted so as to conform to the adjustment in the average rate of such payment for the United States and shall in each case reflect the relative productivity of cropland used for the production of crops in the general soil-depleting base.

(e) Notwithstanding the provisions of sections 1 and 2 of this Part III, the Secretary reserves the right to provide for the establishment of any base for a farm in conjunction with a decrease in any other base for the farm under such conditions and within such limits as he may prescribe.

**SECTION 4. Limits of Soil-Depleting Bases.**—The general soil-depleting bases, the cotton soil-depleting bases, the tobacco soil-depleting bases, and the peanut soil-depleting bases, respectively, established for all farms participating in the 1937 Agricultural Conservation Program in any county or other specified area, shall not exceed the acreage for each such soil-depleting base which is established for such farms in such county or other specified area by the Agricultural Adjustment Administration.

The total of the cotton, tobacco, or peanut soil-depleting bases, respectively, established in 1937 for farms on which such bases were not established in 1936, or on which no cotton or tobacco base acreage or allotted peanut acreage was established under a commodity adjustment program in 1935, shall not exceed such acreage in any county or other area as shall be obtained by downward adjustment of the respective soil-depleting bases, base acreages, or allotted acreage previously established for other farms in such county or other area, except as approved by the Agricultural Adjustment Administration.

The weighted average of the rate per acre for diversion from the general soil-depleting base and the weighted average base yield of cotton, tobacco, and peanuts for all farms



for which soil-depleting bases are established in any county or other specified area shall not exceed the respective rate per acre or base yield established for such crop(s) for such county or other specified area by the Agricultural Adjustment Administration.

**SECTION 5. Soil-Conserving Base.**—The soil-conserving base for a farm will be determined upon the basis of the 1936 acreage of soil-conserving crops on the farm, with such adjustment as is necessary to correct abnormally small or large acreages caused by unusual weather conditions or any increase in the acreage of such crops under the 1936 Agricultural Conservation Program. Such acreage shall, if necessary, be further adjusted for each farm so as to represent an acreage of soil-conserving crops which is fair and equitable for the farm as compared with other farms in the locality which are similar with respect to the past production of crops, size, and farming practices, and shall in no event be less than the total acreage of cropland minus the sum of the soil-depleting bases and the normal acreage of neutral cropland on the farm.

The total of the soil-conserving bases for farms in any county or other area shall not be greater than the maximum or less than the minimum acreage established for such bases in the county or other area by the Agricultural Adjustment Administration.

#### Part IV. Miscellaneous Provisions

**SECTION 1. Land To Be Included Under Application.**—An application may be submitted with respect to any farm or with respect to any two or more farms operated by the same person.

**SECTION 2. Application and Eligibility for Payment.**—(a) Payment will be made only upon applications submitted through the county office. The Secretary reserves the right to withhold payment to any person who fails to file any form or furnish any information required with respect to any farm in which he is interested as owner or operator and to refuse to accept any application for payment if such application or any other form or information required is not submitted to the county office within the time fixed by the Director of the East Central Division.

(b) An application for payment may be made by any person who as owner, share-tenant or share-cropper is entitled to receive a share or all of the crops produced on the farm in 1937 or the proceeds therefrom or who rents the land to a producer for cash or for a fixed commodity payment and who incurs any part or all of the expense of carrying out a soil-building practice on the farm.

(c) In the event of the death or legal incompetency of an applicant for payment, any payment which has not been received by such applicant prior to his death or incompetency and which would otherwise be made to such applicant, shall be made to the person who, under rules prescribed by the Secretary, is determined to be eligible to receive such payment.

(d) In case a farm is located in two or more counties, the farm shall be regarded as being in the county in which the principal dwelling on such farm is located, or, if there is no dwelling on such farm, in the county in which the major portion of the farm is located.

(e) Any person who files an application for payment in a county shall file an application with respect to each farm owned or operated by such person in the county. Upon request by the State Committee such person also shall file an application with respect to any farm owned or operated by him in any other county.

**SECTION 3. Membership in Association.**—Any person having an interest in the crops produced on any farm, or the proceeds thereof, who is not a member of the County Agricultural Conservation Association for the county in which such farm is located shall become a member of such association whenever any form or information required in connection with the 1937 Agricultural Conservation Program is submitted for such farm. Any person shall cease to be a member of the association if an application for payment is

not filed by him within the time specified by the Director of the East Central Division for the filing of applications.

**SECTION 4. Division of Payments.**—Payments with respect to any farm included under an application shall be divided as follows:

(a) *Diversion Payment With Respect to Cotton and Peanuts.*

(1) 37½ percent to the producer who furnished the land,

(2) 12½ percent to the producer who furnished the workstock and equipment, and

(3) 50 percent to be divided among the producers who are parties to the lease or operating agreement in the proportion that such producers are entitled to share in the cotton or peanut crops, respectively, grown on the farm in 1937, or the proceeds thereof.

(b) *Diversion Payment With Respect to Tobacco and General Soil-Depleting Crops.*

(1) 15 percent to the producer who furnished the land,

(2) 15 percent to the producer who furnished the workstock and equipment, and

(3) 70 percent to be divided among the producers who are parties to the lease or operating agreement in the proportion that such producers are entitled to share in the tobacco or in the general soil-depleting crops, respectively, grown on the farm in 1937, or the proceeds thereof.

(c) *Payment With Respect to Soil-Building Practices.*—The soil-building payment with respect to the acreage on which any approved soil-building practice is carried out on any farm shall be made to the producer or the person who rents the land to the producer for cash or for a fixed commodity payment whom the County Committee determines, under instructions issued by the Secretary, has incurred the expense of carrying out such soil-building practice; if the County Committee determines that two or more such persons have incurred the expense of carrying out such practice on the farm, the soil-building payment calculated for the particular acreage with respect to which such persons shared in such expense shall be divided equally among them.

(d) *Computation of Shares of Payments.*—Any share of payments shall be computed without regard to questions of title under State law, without deduction of claims for advances, and without regard to any claim or lien against the crop or proceeds thereof in favor of any creditor.

(e) *Division of Diversion Payment Under Specified Conditions on Farms Where There Are Two or More Producers.*—

(1) If the 1937 acreage of the crop(s) in any soil-depleting base is zero, or, because of partial crop failure is substantially smaller than the acreage which, but for such failure, would have been grown in 1937, the portion of the diversion payment with respect to the crop which is to be divided on the basis of the shares in the crop shall be divided among the producers who remain entitled to share in any crop actually grown on the farm in 1937 in proportion to the share of each such producer in the crop as it was intended to be grown.

(2) In cases where the County Committee finds that the share of one or more producers in the acreage diverted in 1937 from any soil-depleting base differs materially from the share of such producer(s) in the 1937 acreage of the crops in such base, that portion of the diversion payment with respect to such base to be divided on the basis of the shares in the crop, shall be divided on the basis of the shares in the acreage diverted by such producers. The acreage diverted by each producer may be determined by agreement of all producers on the farm by appearing before at least two members of the County Committee and indicating their agreement. In any such case there shall be submitted to the State Office at the time of submission of the application for the farm, a certification signed by each producer in the presence of and approved by at least two members of the County Commit-



tee that the agreement has been reached voluntarily in accordance with the foregoing provisions.

Where agreement of all producers is not obtained, the County Committee may recommend, subject to the approval of the State Committee and the Director of the East Central Division, their determination of the acreage diverted by each producer, such recommendation to be accompanied by a complete statement of all of the facts upon which the recommendation is based.

**SECTION 5. Changes in Leasing or Cropping Agreement And Other Devices.**—If it shall appear from an investigation made by the State Committee that any person who has made an application for a payment pursuant to the provisions of the 1936 or the 1937 Agricultural Conservation Program has made any change in the normal leasing or cropping agreement for the farm or has employed or participated in any other scheme or device whatsoever the effect of which would be or has been to deprive any other person of any payment or share therein to which such other person would normally be entitled, the Secretary may withhold from the person participating in or employing such a scheme or device, or require such person to refund, in whole or in part the amount of any payment which had been or would otherwise be made to such person for performance in connection with the 1937 Agricultural Conservation Program.

**SECTION 6. Multiple Farm Holdings.**—If a person who has made application for a payment with respect to any farm or farms has an interest as owner or operator in another farm or farms in the county on which the acreage used for the production of crops included in any soil-depleting base exceeds such base and such other farm or farms have not been included in an application under which a payment can be made, the payment to be made to such person shall be decreased by an amount equal to such person's share of the net deductions with respect to such other farm or farms.

The provisions of this section may be extended to include farms in two or more counties in the State in which any person as owner or operator is entitled to receive a share of the crops produced thereon, or the proceeds thereof, if the acreage used for the production of any soil-depleting crop(s) on any such farm has been increased to such an extent as to tend to defeat the purposes of the 1937 Agricultural Conservation Program.

#### Part V. Definitions

As used herein and in all forms and documents relating to the 1937 Agricultural Conservation Program in the East Central Region, the following terms shall have the following meanings:

**Secretary** means the Secretary of Agriculture of the United States.

**East Central Region** means the area included in the States of Delaware, Maryland, Virginia, West Virginia, North Carolina, Kentucky, and Tennessee.

**East Central Division** means the division in the Agricultural Adjustment Administration in charge of the 1937 Agricultural Conservation Program in the East Central Region.

**State Committee, State Agricultural Conservation Committee, or State Office** means the group of persons designated for Tennessee to assist in the administration of the 1937 Agricultural Conservation Program in the State.

**County Committee, County Agricultural Conservation Committee, or County Office** means the group of persons designated for any county to assist in the administration of the 1937 Agricultural Conservation Program in such county.

**Person** means an individual, partnership, association, corporation, estate, or trust, and, wherever applicable, a State, a political subdivision of a State, or any agency thereof, or any other government agency that may be designated by the Secretary.

**Operator** means any person who as owner or share-tenant actively supervises and directs the farming activities throughout the 1937 farming season.

**Owner** means a person who owns land which is not rented to another for cash or for a fixed commodity payment; and

shall include a person who rents land from another for cash or for a fixed commodity payment or who is purchasing land for cash or fixed commodity payments.

**Sharecropper** means a person who works a farm in whole or in part under general supervision of the operator and is entitled to receive for his labor a proportionate share of such crops, or the proceeds thereof.

**Share-tenant** means a person, other than an owner or sharecropper, who is working a part or the whole of a farm and is entitled to receive a portion of the crops produced thereon or the proceeds thereof.

**Producer** means an owner, a share-tenant, or sharecropper, who, under the terms of his lease or operating agreement, is entitled to share in the crops grown on the farm in 1937 or the proceeds thereof.

**Cropland** means all farm land which is tillable and on which at least one crop other than wild hay was harvested or planted for harvest between January 1, 1930, and January 1, 1937, and any other farm land devoted on January 1, 1937, to orchards or vineyards other than those abandoned.

**Cotton soil-depleting base** means the number of acres established for the farm as the acreage normally used for the production of cotton.

**Tobacco soil-depleting base** means the number of acres established for the farm as the acreage normally used for the production of tobacco.

**Peanut soil-depleting base** means the number of acres established for the farm as the acreage normally used for the production of peanuts.

**General soil-depleting base** means the number of acres established for the farm as the acreage normally used for the production of all soil-depleting crops other than cotton, tobacco, and peanuts.

**Soil-conserving base** means the number of acres established for the farm as the acreage of soil-conserving crops normally grown on the farm.

**Minimum acreage of soil-conserving crops** means the soil-conserving base for the farm plus the number of acres diverted from soil-depleting bases in 1937 for which payment can be made.

**Diversion payment** means a payment for the diversion of acreage from any soil-depleting base.

**Soil-building payment** means a payment for the carrying out of any approved soil-building practice.

**Soil-building allowance** means the largest amount for any farm that may be obtained as a soil-building payment.

**Farm** means all land which is farmed by an operator in 1937 as a single unit with work stock, farm machinery, and labor substantially separate from that for any other land; provided that any such unit shall not be considered a farm unless the County Committee finds, from a consideration of such factors as size of unit, amount of labor applied, nature of farming operations, and practices carried out, that the participation of such unit in the 1937 Agricultural Conservation Program would tend to promote the economic use and conservation of the land and preserve and improve its fertility for agricultural purposes.

**Commercial orchard** means any acreage in tree fruits, cultivated nut trees, vineyards, or bush fruits on the farm on January 1, 1937, from which the principal part of the production is normally sold off the farm, including also the acreage of young non-bearing orchards from which the principal part of production will be sold in 1937 or later.

**Commercial vegetables** means any acreage of vegetables or truck crops (including also potatoes, sweet potatoes, sweet corn, melons, cantaloupes, and strawberries, but excluding sweet corn for canning and peas for canning), from which the principal part of the production was sold off the farm in 1936.

**Animal Unit** means one cow, one horse, five sheep, five goats, two calves, or two colts, or the equivalent thereof.

In testimony whereof, H. A. Wallace, Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the



City of Washington, District of Columbia, this 21st day of January 1937.

[SEAL]

H. A. WALLACE,  
Secretary of Agriculture.

[F. R. Doc. 37-237; Filed, January 25, 1937; 11:30 a. m.]

ECR—B-101—Virginia. East Central Division, January 21, 1937  
1937 AGRICULTURAL CONSERVATION PROGRAM—EAST CENTRAL  
REGION

BULLETIN 101—VIRGINIA

Pursuant to the authority vested in the Secretary of Agriculture under section 8 of the Soil Conservation and Domestic Allotment Act, as amended, payments will be made, in connection with the effectuation of the purposes of section 7 (a) of said Act for 1937, in accordance with the provisions of this East Central Region Bulletin 101 for the State of Virginia and such modifications or other provisions as may hereafter be made.

The 1937 Agricultural Conservation Program has been developed in accordance with the provisions of sections 8, 15, and 16 of the Soil Conservation and Domestic Allotment Act, but the payment of any benefits pursuant to the provisions of this Bulletin is contingent upon such appropriation, if any, as the Congress of the United States may hereafter make for such purpose, and the amounts of such payments will be finally determined by such appropriation and the extent of participation in the program. The rates of payment and the soil-building allowance set forth herein are computed upon the basis of an appropriation of \$500,000,000 for the 1937 program for the Nation and 85 percent participation by farmers. The payments calculated in accordance with the provisions of Part I of this Bulletin 101 may be increased or decreased depending upon the extent of participation in the East Central Region, but any such variation will not be in excess of 10 percent.

Part I. Rates and Conditions of Payment

Payment will be made in connection with the utilization in 1937 of the land on any farm in the State of Virginia, in the amounts and subject to the conditions hereinafter set forth.

SECTION 1. *Payment for Diversion from Cotton, Tobacco, and Peanut Soil-Depleting Bases.*—For each acre diverted from any cotton, tobacco, or peanut soil-depleting base for the farm, payment will be made as follows:

(a) *Cotton.*—5 cents per pound of the base yield per acre of cotton for the farm, for each acre diverted not in excess of 35 percent of the cotton soil-depleting base, except that, if such base is 5.7 acres or less, payment may be made for diverting all or any part of such base not to exceed 2 acres.

(b) *Tobacco—Flue-cured, Burley, and Maryland.*—5 cents per pound of the base yield per acre of such tobacco for the farm, for each acre diverted not in excess of 25 percent of the soil-depleting base for such kind of tobacco.

(c) *Tobacco—Fire-cured and Dark Air-cured.*—3½ cents per pound of the base yield per acre of such tobacco for the farm, for each acre diverted not in excess of 30 percent of the soil-depleting base for such kind of tobacco.

(d) *Peanuts.*—1¼ cents per pound of the base yield per acre of peanuts for the farm, for each acre diverted not in excess of 15 percent of the peanut soil-depleting base.

SECTION 2. *Payment for Diversion from the General Soil-Depleting Base.*—For each acre diverted from the general soil-depleting Base for the farm, not in excess of 15 percent of such base, payment will be made at a rate which will average \$9.00 per acre for the United States, varied among farms according to relative productivity of cropland used for the production of crops in the general soil-depleting base; *provided*, that payment will not be made for diversion from the general soil-depleting base for a farm unless crops in such base are normally grown in excess of the home consumption needs of the farm on an acreage not less than 15 percent of such base.

SECTION 3. *Allowance for Soil-Building Practices.*—The soil-building allowance for the farm is the maximum amount for which payment may be made for carrying out soil-building practices. This allowance shall be the sum of such of the items set forth in subsections (a), (b), (c), and (d) below as are applicable to the farm; *provided*, that in no event will the soil-building allowance for any farm eligible to earn a diversion payment be less than \$10.00, and in no event will the soil-building allowance for any farm not eligible to earn a diversion payment be less than \$20.00.

A farm shall be eligible to earn a diversion payment if such farm has a cotton, tobacco, or peanut soil-depleting base, or if crops in the general soil-depleting base normally are grown in excess of the home consumption needs of the farm on an acreage not less than 15 percent of such base. Other farms shall not be eligible to earn a diversion payment. A farm for which the general soil-depleting base does not exceed 20 acres and for which there is no cotton, tobacco, or peanut soil-depleting base may be classified as not eligible to earn a diversion payment, if the operator elects not to make a diversion, even though food and feed crops normally are grown in excess of home consumption needs on an acreage not less than 15 percent of such base.

(a) (1) *On Farms Eligible to Earn a Diversion Payment (whether earned or not).*—\$1.00 for each acre in the minimum soil-conserving acreage for the farm.

(2) *On Farms Not Eligible to Earn a Diversion Payment.*—75 cents for each acre of cropland, or \$1.00 for each acre in the minimum soil-conserving acreage for the farm, whichever is larger.

(b) *Commercial Orchards.*—\$1.00 additional for each acre of commercial orchards on the farm on January 1, 1937.

(c) *Commercial Vegetables.*—\$1.00 additional for each acre on which only one crop of commercial vegetables was grown in 1936.

\$2.00 additional for each acre on which two or more crops of commercial vegetables were grown in 1936.

(d) *Non-Crop Pasture.*—25 cents additional for each acre of fenced, non-crop, open pasture land in excess of one-half of the number of acres of cropland on the farm, which is capable of maintaining during the normal pasture season at least one animal unit for each 5 acres of such pasture land.

The acreage of commercial orchards, of commercial vegetables, and of non-crop pasture, respectively, used in establishing the soil-building allowance for farms in any county or other area, shall not exceed such acreage as shall be established for such county or other area by the Agricultural Adjustment Administration.

SECTION 4. *Payment for Soil-Building Practices.*—Payment will be made, within the limit of the soil-building allowance determined for the farm in accordance with section 3 above, for carrying out in connection with the 1937 Agricultural Conservation Program not later than October 31, 1937, any of the soil-building practices listed herein, upon the conditions and at the rates herein specified; *provided*, that the practice is carried out by such methods and with such kinds and quantities of seeds, trees, and other materials as conform to good farming practice, and that no part of the labor, seed, trees, or other materials used in connection with such practice is furnished in whole or in part by any State or Federal agency.

(a) *Seeding Legumes and Perennial Grasses.*—For seeding approved seeds of any of the following crops, payment will be made at the rate per acre set forth below.

(1) Alfalfa: \$2.50.

(2) Red clover; mammoth clover; sericea; kudzu; or bluegrass; or any mixture containing 50 percent or more by weight of legumes listed in paragraphs (1) or (2) of this subsection (a): \$2.00.

(3) Austrian winter peas; vetch; crimson clover; alsike clover; sweet clover; annual lespedeza; orchard grass; reed canary grass; or any mixture containing 50 percent or more by weight of bluegrass or of legumes listed in paragraphs (1), (2), or (3) of this subsection (a): \$1.50.



(4) White clover; bur clover; crotalaria; redtop; timothy; carpet grass; Dallis grass; or any mixture of grasses or legumes listed in this subsection (a): \$1.00.

(b) *Growing Green Manure Crops and Cover Crops.*—Plowing or discing under as green manure any of the crops named below after the crop has attained a normal growth of at least two months, or leaving on the land certain of these crops grown in 1937. Payment will be made at the rate per acre specified for each such crop; *provided*, however, that if any practice listed in (1) or (2) below is carried out on land normally used to produce commercial vegetables and the County Committee finds that as a result of the carrying out of such practice one less soil-depleting crop is grown in 1937 than the number of soil-depleting crops normally grown on such land, the rate of payment for such practice shall be twice the rate per acre specified for such practice.

(1) Soybeans, velvet beans, or cowpeas, plowed or disced under:<sup>1</sup> \$2.00.

(2) Crimson clover, Austrian winter peas, or vetch, plowed or disced under; rye, barley, wheat, Italian ryegrass, oats, buckwheat, or mixtures of these, plowed or disced under; Sudan grass, millet, sorghum, or sowed corn, plowed or disced under; soybeans, velvet beans, cowpeas, or lespedeza, not grazed or pastured when all of the forage is left on the land:<sup>1</sup> \$1.00.

(3) Soybeans, cowpeas, velvet beans, crotalaria, sweet clover, or any combination of small grain and legumes, interplanted in commercial orchards, clipped or disced, and left on the land: \$1.50.

(c) *Mulching Orchards.*—Applying in commercial orchards not less than 2 tons of air-dry mulching material per acre in addition to leaving in the orchard all material produced therein during 1937 from grasses, legumes, or green manure or cover crops. Payment will be made on a quantity not exceeding 5 tons per acre at the rate of \$2.00 per ton.

(d) *Planting Forest Trees.*—Planting forest trees, including post-producing species. Payment will be made at the rate of \$7.50 per acre when planted on cropland or at the rate of \$5.00 per acre when planted on other land.

(e) *Improving Stands of Forest Trees.*—Upon prior approval by the County Committee, improving the stand of forest trees by thinning or pruning trees on woodland from which grazing is excluded, to develop approximately 100 potential timber trees of desirable species, well distributed over an acre of woodland. Payment will be made at the rate of \$2.50 per acre.

(f) *Improving Land by the Use of Ground Limestone.*—Applying not less than 1,000 pounds per acre of ground limestone, or its equivalent,<sup>2</sup> on cropland or noncrop pasture land or not less than 500 pounds per acre if the application is made by drilling with the seed of any legume or perennial grass listed in subsection (a) of this section 4. Payment will be made on a quantity not exceeding 2½ tons per acre at the rate of:

\$1.50 per ton in the counties of—Albemarle, Alleghany, Amherst, Augusta, Bath, Bedford, Bland, Botetourt, Buckingham, Carroll, Craig, Fluvanna, Franklin, Giles, Goochland, Grayson, Lee, Montgomery, Nelson, Orange, Pulaski, Roanoke, Rockbridge, Rockingham, Russell, Scott, Shenandoah, Smyth, Tazewell, Washington, Wythe.

\$2.00 per ton in the countries of—Amelia, Appomattox, Arlington, Brunswick, Buchanan, Campbell, Caroline, Charles City, Charlotte, Chesterfield, Clarke, Culpeper, Cumberland, Dickenson, Dinwiddie, Elizabeth City, Fairfax, Fau-

quier, Floyd, Frederick, Greene, Greenville, Halifax, Hanover, Henrico, Henry, Highland, Isle of Wight, James City, King George, Loudon, Louisa, Lunenburg, Madison, Mecklenburg, Nansemond, New Kent, Nottaway, Norfolk, Page, Patrick, Pittsylvania, Powhatan, Princess Anne, Prince Edward, Prince George, Prince William, Rappahannock, Southampton, Spottsylvania, Stafford, Surry, Sussex, Warren, Wise, Warwick, York.

•\$2.50 per ton in the counties of—Accomac, Essex, Gloucester, King and Queen, King William, Lancaster, Mathews, Middlesex, Northampton, Northumberland, Richmond, Westmoreland.

(g) *Improving Land by the Use of Superphosphate.*—Applying not less than 100 pounds per acre of 16 percent superphosphate, or its equivalent,<sup>3</sup> on any permanent pasture, or in connection with seeding or maintaining any legume or perennial grass listed in subsection (a) of this section 4, or in connection with any green manure crop plowed or disced under as provided in subsection (b) of this section 4. Payment will be made on a quantity not exceeding 500 pounds per acre at the rate of 60 cents per 100 pounds; or, if the superphosphate is applied in connection with a legume or perennial grass listed in subsection (a) of this section 4 seeded in connection with a soil-depleting crop, at the rate of 30 cents per 100 pounds.

In connection with this practice, the Agricultural Adjustment Administration will make available at Sheffield, Alabama, a supply of triple superphosphate (approximately 43 percent superphosphate) which, within the limit of such supply, may, upon requests filed at the county office, be obtained for application on the farm in accordance with the foregoing provisions of this subsection (g). If triple superphosphate is so obtained, 60 cents for each 16 pounds of phosphoric acid contained therein shall, in accordance with instructions to be issued by the Agricultural Adjustment Administration, be deducted from any payment (including payment for carrying out this practice) which otherwise would be made to any person(s) eligible to receive payments with respect to the farm; *provided*, however, that such deduction will first be made from payments with respect to the farm which otherwise would be made to the person(s) carrying out this practice.

(h) *Improving Land by the Use of Potash.*—Applying not less than 30 pounds per acre of 50 percent muriate of potash or its equivalent,<sup>4</sup> on land on which 16 percent superphosphate or its equivalent is applied in accordance with paragraph (g) above. Payment will be made on a quantity not exceeding 250 pounds per acre, at the rate of \$1.00 per 100 pounds; or, if the muriate of potash is applied as above in connection with a legume or perennial grass seeded in connection with a soil-depleting crop, at the rate of \$0.50 per 100 pounds.

(i) *Control of Erosion by Terracing.*—Terracing cropland or non-crop pasture land which the County Committee finds is in need of terracing, with a sufficient amount of properly constructed terrace to give adequate protection against erosion. Payment will be made at the rate of 40 cents per one hundred feet.

(j) *Control of Erosion on Cropland by Subsoiling.*—Subsoiling cropland, which the County Committee finds is in need of subsoiling, to a depth of at least 18 inches with furrows sufficiently close together to completely break the subsoil. Payment will be made at the rate of \$2.00 per acre.

SECTION 5. 1937 Acreage of Soil-Conserving Crops.—If the 1937 acreage of soil-conserving crops on the farm is less than the minimum acreage of soil-conserving crops (that is,

<sup>2</sup>Equivalent quantities of other materials may be substituted for 16 percent superphosphate; *provided*, that the quantities of other materials so substituted contain not less than the quantities, by weight, of phosphoric acid contained in 16 percent superphosphate, except that if ground rock phosphate is substituted the quantity of ground rock phosphate so substituted shall be not less than 1½ times the quantity of 16 percent superphosphate.

<sup>4</sup>Equivalent quantities of other materials may be substituted for 50 percent muriate of potash; *provided*, that the quantities of other materials so substituted contain not less than the quantities, by weight, of potash contained in the quantity specified of 50 percent muriate of potash.

<sup>1</sup>If the soybeans, velvet beans or cowpeas are interplanted or grown in combination with a soil-depleting row crop, one-half the acreage shall be counted for this practice.

<sup>3</sup>Equivalent quantities of other materials may be substituted for ground limestone; *provided*, that the quantities of other materials so substituted contain not less than the quantities, by weight, of calcium or magnesium oxide contained in the quantities of ground limestone specified. For purposes of this section 4 (f) 100 pounds of ground oyster shell, 70 pounds of hydrated lime, or 50 pounds of burned lime, shall be considered, respectively, to be equivalent to 100 pounds of ground limestone.



the number of acres in the soil-conserving base plus the number of acres diverted from soil-depleting bases in 1937 upon which payment will be made), a deduction will be made from any payment which otherwise would be made with respect to the farm at the rate of \$3.00 per acre of such deficiency.

A diversion payment will in no event be made with respect to a greater number of acres than the 1937 acreage of soil-conserving crops on the farm.

**SECTION 6. Increase in Acreage of Soil-Depleting Crops.**—If the 1937 acreage of cotton, tobacco, peanuts or general soil-depleting crops, respectively, on a farm is in excess of the soil-depleting base therefor, deduction will be made from any payment which otherwise would be made with respect to the farm as provided below.

(a) For each acre of cotton, tobacco, or peanuts in excess of the soil-depleting base, a deduction at the rate of payment for diversion for such crop.

(b) For each acre of general soil-depleting crops in excess of the general soil-depleting base, a deduction at the rate of payment for diversion for such crops; *provided*, that no deduction will be made for general soil-depleting crops in excess of the base if such crops are required for home consumption on the farm or if the County Committee finds that such crops are grown in order to replace a shortage of feed crops on the farm caused by drouth or other unfavorable weather conditions in 1936 or 1937.

**SECTION 7. Association Expenses.**—There shall be deducted pro rata from the payments made to members of each County Agricultural Conservation Association all or such part, as the Secretary may prescribe, of the estimated administrative expenses incurred or to be incurred by such association in cooperating in carrying out the Soil Conservation and Domestic Allotment Act.

There shall be credited to each County Agricultural Conservation Association for the payment of administrative expenses the sum of \$2.00 per application for that number of applications submitted by members of such association under which it is estimated by the Agricultural Adjustment Administration the total payment (prior to deduction of any administrative expenses) will be \$20.00 or less.

**SECTION 8. Applicability to Farms under Special Programs.**—The Secretary may designate one or more counties or other areas for which special programs for 1937 will be developed under the Soil Conservation and Domestic Allotment Act. In the event that any such county or other area is designated, the allowances, rates, and conditions of payment for such county or other area will be set forth in a special bulletin and the provisions of this Bulletin 101 shall not be applicable in such county or other designated area.

On any farm where a program is carried out in cooperation with the Soil Conservation Service or the Resettlement Administration payment will be made only for such diversion and for carrying out such soil-building practices as are, prior to performance, approved for the farm by the County Committee in accordance with instructions issued by the Secretary.

**SECTION 9. Payments Restricted to Effectuation of Purposes.**—All or any part of any payment which otherwise would be made to any person may be withheld if any practice is adopted by such person, which the Secretary determines tends to defeat the purposes of the 1937 Agricultural Conservation Program.

## Part II. Classification of Crops

Farm land, when devoted to the crops and uses indicated hereinafter, shall be classified in the manner set forth in this Part II.

**SECTION 1. Soil-Depleting Crops.**—Land on which any of the following crops is grown shall be regarded as used for the production of a soil-depleting crop for the year in which such crop is normally harvested. The acreage of land which is devoted to two or more soil-depleting crops in the same year shall be counted as soil-depleting only once.

(a) Corn (field, sweet, and popcorn).

(b) Cotton.

(c) Tobacco.

(d) Peanuts harvested for nuts.

(e) Broom corn.

(f) Truck and vegetable crops, including also melons, strawberries, potatoes, and sweet potatoes.

(g) Sorghum, when harvested.

(h) Small grains: Wheat, oats, barley, rye, buckwheat, and grain mixtures; cut for hay or grain.

(i) Annual grasses: Sudan, millet, and Italian ryegrass, harvested for hay or seed.

(j) Bulbs and flowers.

**SECTION 2. Soil-Conserving Crops.**—Land devoted to any of the following crops and not used in the same year for the growing of any soil-depleting crop, as defined in section 1 of this Part II, shall be regarded as used for the production of a soil-conserving crop, except as otherwise provided in section 3 below. Cropland from which no crop is harvested during 1937 and which is planted in 1937 not later than October 31 to any crop listed below (other than small grains seeded alone in the fall) shall be considered as soil-conserving. If two or more soil-conserving crops are grown on the same land during any year the acreage of such land counted as soil-conserving shall not exceed the acreage on which such crops are grown.

(a) Biennial and perennial legumes; sweet, red, alsike, white, and mammoth clovers; alfalfa; kudzu; and sericea.

(b) Miscellaneous legumes; Vetch, Austrian winter peas; bur clover and crimson clover; annual varieties of lespedeza; crotalaria.

(c) Summer legumes: Soybeans, velvet beans, field peas, and cowpeas.

(d) Peanuts, when pastured.

(e) Annual grasses: Sudan, millet, and Italian ryegrass, not harvested for hay or seed.

(f) Perennial grasses: Bluegrass, Dallis, redtop, timothy, orchard grass, Bermuda, carpet grass, and mixtures of these.

(g) Small grains: Rye, oats, barley, wheat, buckwheat, and grain mixtures, when not cut for grain or hay, provided a good growth is left on the land. (If plowed under or if a good growth is not left on the land the crop shall be disregarded in classifying the land on which grown except as otherwise provided.)

(h) Forest trees, planted on cropland since January 1, 1934.

(i) Sweet sorghums, not harvested.

**SECTION 3. Soil-Conserving Crops Grown on Land Used for the Production of a Soil-Depleting Crop.**—Land devoted to any of the combinations of soil-conserving and soil-depleting crops listed below shall be classified as follows:

(a) Acreage on which summer legumes are interplanted or grown in combination with soil-depleting row crops. The entire acreage shall be classified as soil-depleting, and one-half of the acreage also shall be classified as soil-conserving provided the legume occupies at least one-half of the land and attains a good growth.

(b) Acreage on which mixtures of legumes and soil-depleting crops (winter legumes and small grains, or summer legumes and annual grasses) are harvested together. The entire acreage shall be classified as soil-depleting, and one-half of the acreage also shall be classified as soil-conserving provided not less than 50 percent of the total growth harvested consists of such legumes.

(c) Acreage of legumes classified as soil-conserving or of such a legume and perennial grass following a soil-depleting crop harvested in the same year (whether seeded in or following a soil-depleting crop). The entire acreage shall be classified as soil-depleting, and one-half of the acreage also shall be classified as soil-conserving, except that if the legume is an annual winter legume (crimson clover, vetch, or Austrian winter peas) the entire acreage also shall be classified as soil-conserving.

(d) Acreage of the crops listed in sub-section (b) of section 4 of Part I plowed under as green manure after having attained at least two months' normal growth on



land from which a commercial vegetable crop is harvested in the same year. The entire acreage of commercial vegetables shall be classified as soil-depleting and the entire acreage also shall be classified as soil-conserving.

SECTION 4. *Neutral Uses.*—Land devoted to the following uses shall be regarded as not used for the production of a soil-depleting crop or a soil-conserving crop:

(a) Vineyards, tree fruits, small fruits, bush fruits, nut trees, and nursery stock not interplanted. Any portion of the area which is interplanted shall carry the classification and actual acreage of such interplanted crop.

(b) Idle cropland.

(c) Cultivated fallow land.

(d) Waste land, roads, lanes, lots, yards, and other similar non-crop land.

(e) Woodland, other than cropland planted to forest trees since January 1, 1934.

### Part III. Establishment of Bases

The County Committee will recommend for approval by the Secretary a general soil-depleting base, a cotton soil-depleting base, a tobacco soil-depleting base, a peanut soil-depleting base, and a soil-conserving base for each farm participating in the 1937 Agricultural Conservation Program. Such bases shall represent the acreage normally used for the production of general soil-depleting crops, cotton, tobacco, peanuts, and soil-conserving crops, respectively, on such farm. The County Committee also will recommend for each farm a base yield per acre for cotton, tobacco, and peanuts, and a rate of payment for diversion from the general soil-depleting base for the farm.

SECTION 1. *Farms for Which Soil-Depleting Bases Were Established Under the 1936 Program.*—The soil-depleting bases established for farms under the 1936 Agricultural Conservation Program, together with the accompanying base yields or rates of payment per acre, shall be used as a basis for determining the soil-depleting bases, base yields, or rates per acre for such farms in 1937, with adjustment as provided in section 3 of this Part III.

SECTION 2. *Farms For Which Soil-Depleting Bases Were Not Established Under the 1936 Program.*—On farms for which bases were not established under the 1936 Agricultural Conservation Program, the bases and yields or rates per acre shall, subject to adjustment as provided hereinafter, be determined as follows:

(a) *Cotton Base and Yield.*—A cotton soil-depleting base may be established for a farm:

(1) If one acre or more of cotton was planted on the farm in 1935 or 1936, or

(2) If the entire base cotton acreage for the farm was retired in 1935 under a cotton acreage reduction contract, or

(3) If the County Committee determines that cotton was not planted in either 1935 or 1936 because of unusual weather conditions.

The cotton soil-depleting base and base yield for a farm will be determined upon the basis of the base established under the 1935 cotton acreage reduction program, or, if no such base was established, upon the basis of the acreage grown and yield obtained on the farm in the year 1936.

(b) *Tobacco Base and Yield.*—A tobacco soil-depleting base may be established for any farm on which tobacco was grown in either 1935 or 1936, and for other farms on which the County Committee determines that tobacco was not planted in 1935 or 1936 because of unusual weather conditions.

The tobacco soil-depleting base and base yield for a farm shall be determined upon the basis of the base established for the farm under the 1936-39 tobacco production adjustment program, or, if no such base was established, upon the basis of the acreage grown and yield obtained on the farm in the year 1936.

(c) *Peanut Base and Yield.*—A peanut soil-depleting base may be established for any farm on which peanuts were grown in 1935 or 1936, and for other farms on which the

County Committee determines that peanuts were not planted in 1935 or 1936 because of unusual weather conditions. The peanut soil-depleting base shall be determined upon the basis of the allotted acreage under the 1935 peanut production adjustment program, or, if there was no such allotted acreage, upon the basis of the acreage of peanuts harvested for nuts on the farm in 1936. The base yield of peanuts for the farm shall be that recommended by the County Committee on the basis of the yield per acre on the farm in 1936.

(d) *General Soil-Depleting Base and Rate Per Acre.*—A general soil-depleting base may be established for any farm if soil depleting crops other than cotton, tobacco, or peanuts were produced thereon in the year 1935 or 1936, and for such other farms as the County Committee determines, in accordance with instructions, are eligible upon the basis of the past production on the farm or by the operator.

The general soil-depleting base for a farm shall be determined upon the basis of the acreage of general soil-depleting crops grown on the farm in 1936. The rate of payment per acre shall be determined upon the basis of the estimated yield per acre for the farm of the crop used under the 1936 program in determining the rate of payment per acre for other farms in the locality.

SECTION 3. *Adjustment in Soil Depleting Bases.*—(a) *Inequitable Bases.*—The soil-depleting base, the base yield, or the rate of payment per acre determined for each farm in accordance with the provisions of this Part III shall be adjusted upward or downward whenever necessary so as to be equitable for such farm as compared with farms in the same locality which are similar with respect to the past production of crops, size, type of soil, topography, production facilities, and farming practices.

(b) *Unused Bases.*—If the acreage of cotton, tobacco, peanuts, or of crops in the general soil-depleting base planted on a farm in the years 1935 and 1936 has been substantially less than the acreage which could have been planted on the farm in such years with maximum payments with respect to such crops, under the 1935 programs of the Agricultural Adjustment Administration or under the 1936 Agricultural Conservation Program, and such deficiency was not caused by unusual weather conditions, the base shall be adjusted by the County Committee so as to reflect the plantings on the farm in 1935 and 1936 and so as to be equitable as compared with other farms in the locality which are similar with respect to past production of crops, size, type of soil, topography, production facilities, and farming practices.

(c) *Changes in Crop Classification.*—The acreage of small grains harvested for grain or hay and the acreage of corn interplanted with legumes, classified as soil-conserving in establishing the general soil-depleting base for 1936 for any farm shall be added to such 1936 base in determining the general soil-depleting base for 1937.

(d) *Rate of Payment per Acre.*—The rate of payment for diversion from the general soil-depleting base for each farm for which such a rate was established in 1936 shall be adjusted so as to conform to the adjustment in the average rate of such payment for the United States and shall in each case reflect the relative productivity of cropland used for the production of crops in the general soil-depleting base.

(e) Notwithstanding the provisions of sections 1 and 2 of this Part III, the Secretary reserves the right to provide for the establishment of any base for a farm in conjunction with a decrease in any other base for the farm under such conditions and within such limits as he may prescribe.

SECTION 4. *Limits of Soil Depleting Bases.*—The general soil-depleting bases, the cotton soil-depleting bases, the tobacco soil-depleting bases, and the peanut soil-depleting bases, respectively, established for all farms participating in the 1937 Agricultural Conservation Program in any county or other specified area, shall not exceed the acreage for each such soil-depleting base which is established for such farm in such county or other specified area by the Agricultural Adjustment Administration.

The total of the cotton, tobacco, or peanut soil-depleting bases, respectively, established in 1937 for farms on which such bases were not established in 1936, or on which no cot-



ton or tobacco base acreage or allotted peanut acreage was established under a commodity adjustment program in 1935, shall not exceed such acreage in any county or other area as shall be obtained by downward adjustment of the respective soil-depleting bases, base acreages, or allotted acreage previously established for other farms in such county or other area, except as approved by the Agricultural Adjustment Administration.

The weighted average of the rate per acre for diversion from the general soil-depleting base and the weighted average base yield of cotton, tobacco, and peanuts for all farms for which soil-depleting bases are established in any county or other specified area shall not exceed the respective rate per acre or base yield established for such crop(s) for such county or other specified area by the Agricultural Adjustment Administration.

**SECTION 5. Soil-Conserving Base.**—The soil-conserving base for a farm will be determined upon the basis of the 1936 acreage of soil-conserving crops on the farm, with such adjustment as is necessary to correct abnormally small or large acreages caused by unusual weather conditions or any increase in the acreage of such crops under the 1936 Agricultural Conservation Program. Such acreage shall, if necessary, be further adjusted for each farm so as to represent an acreage of soil-conserving crops which is fair and equitable for the farm as compared with other farms in the locality which are similar with respect to the past production of crops, size, and farming practices, and shall in no event be less than the total acreage of cropland minus the sum of the soil-depleting bases and the normal acreage of neutral cropland on the farm.

The total of the soil-conserving bases for farms in any county or other area shall not be greater than the maximum or less than the minimum acreage established for such bases in the county or other area by the Agricultural Adjustment Administration.

#### Part IV. Miscellaneous Provisions

**SECTION 1. Land To Be Included Under Application.**—An application may be submitted with respect to any farm or with respect to any two or more farms operated by the same person.

**SECTION 2. Application and Eligibility for Payment.**—(a) Payment will be made only upon applications submitted through the county office. The Secretary reserves the right to withhold payment to any person who fails to file any form or furnish any information required with respect to any farm in which he is interested as owner or operator and to refuse to accept any application for payment if such application or any other form or information required is not submitted to the county office within the time fixed by the Director of the East Central Division.

(b) An application for payment may be made by any person who as owner, share-tenant or sharecropper is entitled to receive a share or all of the crops produced on the farm in 1937 or the proceeds therefrom or who rents the land to a producer for cash or for a fixed commodity payment and who incurs any part or all of the expense of carrying out a soil-building practice on the farm.

(c) Any person who files an application for payment in a county shall file an application with respect to each farm owned or operated by such person, in the county. Upon request by the State Committee such person also shall file an application with respect to any farm owned or operated by him in any other county.

(d) In case a farm is located in two or more counties, the farm shall be regarded as being in the county in which the principal dwelling on such farm is located, or if there is no dwelling on such farm, in the county in which the major portion of the farm is located.

**SECTION 3. Membership in Association.**—Any person having an interest in the crops produced on any farm, or the proceeds thereof, who is not a member of the County Agricultural Conservation Association for the county in which such farm is located shall become a member of such association whenever any form or information required in

connection with the 1937 Agricultural Conservation Program is submitted for such farm. Any person shall cease to be a member of the association if an application for payment is not filed by him within the time specified by the Director of the East Central Division for the filing of applications.

**SECTION 4. Division of Payments.**—Payments with respect to any farm included under an application shall be divided as follows:

(a) *Diversion Payment With Respect to Cotton and Peanuts.*—

(1) 37½ percent to the producer who furnished the land.

(2) 12½ percent to the producer who furnished the workstock and equipment, and

(3) 50 percent to be divided among the producers who are parties to the lease or operating agreement in the proportion that such producers are entitled to share in the cotton or peanut crops, respectively, grown on the farm in 1937, or the proceeds thereof.

(b) *Diversion Payment with Respect to Tobacco and General Soil-Depleting Crops.*—

(1) 15 percent to the producer who furnished the land,

(2) 15 percent to the producer who furnished the workstock and equipment, and

(3) 70 percent to be divided among the producers who are parties to the lease or operating agreement in the proportion that such producers are entitled to share in the tobacco or in the general soil-depleting crops, respectively, grown on the farm in 1937, or the proceeds thereof.

(c) *Payment With Respect to Soil-Building Practices.*—

The soil-building payment with respect to the acreage on which any approved soil-building practice is carried out on any farm shall be made to the producer or the person who rents the land to a producer for cash or for a fixed commodity payment whom the County Committee determines, under instructions issued by the Secretary, has incurred the expense of carrying out such soil-building practice; if the County Committee determines that two or more such persons have incurred the expense of carrying out such practice on the farm, the soil-building payment calculated for the particular acreage with respect to which such persons shared in such expense shall be divided equally among them.

(d) *Computation of Shares of Payments.*—Any share of payments shall be computed without regard to questions of title under State law, without deduction of claims for advances, and without regard to any claim or lien against the crop or proceeds thereof in favor of any creditor.

(e) *Division of Diversion Payment Under Specified Conditions on Farms Where There Are Two or More Producers.*—

(1) If the 1937 acreage of the crop(s) in any soil-depleting base is zero, or, because of partial crop failure is substantially smaller than the acreage which, but for such failure, would have been grown in 1937, the portion of the diversion payment with respect to the crop which is to be divided on the basis of the shares in the crop shall be divided among the producers who remain entitled to share in any crop actually grown on the farm in 1937 in proportion to the share of each such producer in the crop as it was intended to be grown.

(2) In cases where the County Committee finds that the share of one or more producers in the acreage diverted in 1937 from any soil-depleting base differs materially from the share of such producer(s) in the 1937 acreage of the crops in such base, that portion of the diversion payment with respect to such base to be divided on the basis of the shares in the crop, shall be divided on the basis of the shares in the acreage diverted by such producers.

The acreage diverted by each producer may be determined by agreement of all producers on the farm by appearing before at least two members of the County Committee and indicating their agreement. In any such case there shall be submitted to the State office at the



time of submission of the application for the farm, a certification signed by each producer in the presence of and approved by at least two members of the County Committee that the agreement has been reached voluntarily in accordance with the foregoing provisions.

Where agreement of all producers is not obtained, the County Committee may recommend, subject to the approval of the State Committee and the Director of the East Central Division, their determination of the acreage diverted by each producer, such recommendation to be accompanied by a complete statement of all of the facts upon which the recommendation is based.

**SECTION 5. Changes in Leasing or Cropping Agreement and Other Devices.**—If it shall appear from an investigation made by the State Committee that any person who has made an application for a payment pursuant to the provisions of the 1936 or the 1937 Agricultural Conservation Program has made any change in the normal leasing or cropping agreement for the farm or has employed or participated in any other scheme or device whatsoever the effect of which would be or has been to deprive any other person of any payment or share therein to which such other person would normally be entitled, the Secretary may withhold from the person participating in or employing such a scheme or device, or require such person to refund, in whole or in part the amount of any payment which had been or would otherwise be made to such person for performance in connection with the 1937 Agricultural Conservation Program.

**SECTION 6. Multiple Farm Holdings.**—If a person who has made application for a payment with respect to any farm or farms has an interest as owner or operator in another farm or farms in the county on which the acreage used for the production of crops included in any soil-depleting base exceeds such base and such other farm or farms have not been included in an application under which a payment can be made, the payment to be made to such person shall be decreased by an amount equal to such person's share of the net deductions with respect to such farm or farms.

The provisions of this section may be extended to include farms in two or more counties in the State in which any person as owner or operator is entitled to receive a share of the crops produced thereon, or the proceeds thereof, if the acreage used for the production of any soil-depleting crop(s) on any such farm has been increased to such an extent as to tend to defeat the purposes of the 1937 Agricultural Conservation Program.

#### Part V. Definitions

As used herein and in all forms and documents relating to the 1937 Agricultural Conservation Program in the East Central Region, the following terms shall have the following meanings:

**Secretary** means the Secretary of Agriculture of the United States.

**East Central Region** means the area included in the States of Delaware, Maryland, Virginia, West Virginia, North Carolina, Kentucky, and Tennessee.

**East Central Division** means the division in the Agricultural Adjustment Administration in charge of the 1937 Agricultural Conservation Program in the East Central Region.

**State Committee, State Agricultural Conservation Committee, or State Office** means the group of persons designated for the State of Virginia to assist in the administration of the 1937 Agricultural Conservation Program in the State.

**County Committee, County Agricultural Conservation Committee, or County Office** means the group of persons designated for any county to assist in the administration of the 1937 Agricultural Conservation Program in such county.

**Person** means an individual, partnership, association, corporation, estate, or trust, and, wherever applicable, a State, a political subdivision of a State, or any agency thereof, or any other government agency that may be designated by the Secretary.

**Operator** means any person who as owner or share-tenant actively supervises and directs the farming activities throughout the 1937 farming season.

**Owner** means a person who owns land which is not rented to another for cash or for a fixed commodity payment; and shall include a person who rents land from another for cash or for a fixed commodity payment or who is purchasing land for cash or fixed commodity payments.

**Sharecropper** means a person who works a farm in whole or in part under general supervision of the operator and is entitled to receive for his labor a proportionate share of such crops, or the proceeds thereof.

**Share-tenant** means a person, other than an owner or sharecropper, who is working a part or the whole of a farm and is entitled to receive a portion of the crops produced thereon or the proceeds thereof.

**Producer** means an owner, share-tenant, or sharecropper, who, under the terms of his lease or operating agreement, is entitled to share in the crops grown on the farm in 1937 or the proceeds thereof.

**Cropland** means all farm land which is tillable and on which at least one crop other than wild hay was harvested or planted for harvest between January 1, 1930, and January 1, 1937, and any other farm land devoted on January 1, 1937, to orchards or vineyards other than those abandoned.

**Cotton soil-depleting base** means the number of acres established for the farm as the acreage normally used for the production of cotton.

**Tobacco soil-depleting base** means the number of acres established for the farm as the acreage normally used for the production of tobacco.

**Peanut soil-depleting base** means the number of acres established for the farm as the acreage normally used for the production of peanuts.

**General soil-depleting base** means the number of acres established for the farm as the acreage normally used for the production of all soil-depleting crops other than cotton, tobacco, and peanuts.

**Soil-conserving base** means the number of acres established for the farm as the acreage of soil-conserving crops normally grown on the farm.

**Minimum acreage of soil-conserving crops** means the soil-conserving base for the farm plus the number of acres diverted from soil-depleting bases in 1937 for which payment can be made.

**Diversion payment** means a payment for the diversion of acreage from any soil-depleting base.

**Soil-building payment** means a payment for the carrying out of any approved soil-building practice.

**Soil-building allowance** means the largest amount for any farm that may be obtained as a soil-building payment.

**Farm** means all land which is farmed by an operator in 1937 as a single unit with work stock, farm machinery, and labor substantially separate from that for any other land; provided that any such unit shall not be considered a farm unless the County Committee finds, from a consideration of such factors as size of unit, amount of labor applied, nature of farming operations, and practices carried out, that the participation of such unit in the 1937 Agricultural Conservation Program would tend to promote the economic use and conservation of the land and preserve and improve its fertility for agricultural purposes.

**Commercial orchard** means any acreage in tree fruits, cultivated nut trees, vineyards, or bush fruits on the farm on January 1, 1937, from which the principal part of the production is normally sold off the farm, including also the acreage of young non-bearing orchards from which the principal part of production will be sold in 1937 or later.

**Commercial vegetables** means any acreage of vegetables or truck crops (including also potatoes, sweet potatoes, sweet corn, melons, cantaloupes, and strawberries, but excluding sweet corn for canning and peas for canning), from which the principal part of the production was sold off the farm in 1936.



*Animal Unit* means one cow, one horse, five sheep, five goats, two calves, or two colts, or the equivalent thereof.

In testimony whereof, H. A. Wallace, Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington, District of Columbia, this 21st day of January 1937.

[SEAL]

H. A. WALLACE,  
Secretary of Agriculture.

[F. R. Doc. 37-238; Filed, January 25, 1937; 11:30 a. m.]

SR—B-101, Part IX Southern Division, January 26, 1937  
1937 AGRICULTURAL CONSERVATION PROGRAM—SOUTHERN REGION

BULLETIN 101—PART IX

*The Wheat and Grain Sorghum Area*

Southern Region Bulletin 101<sup>1</sup> is hereby supplemented by adding thereto the following Part IX.

The provisions of this Part IX shall apply only to the wheat and grain sorghum area as defined under the heading "Definitions" below, and are based upon (1) a payment of \$9.00 per acre average for the United States, varying according to productivity, for diversion from the general base, and payments for diversion from other bases as outlined in Part III, Southern Region Bulletin 101; and (2) a soil-building allowance based upon a rate of \$1.00 for each acre in the soil-conserving base, \$1.00 for each acre of soil-depleting crops diverted for payment in 1937, and the other provisions of sections 1 and 2. The provisions of said Bulletin 101, unless otherwise provided, will apply throughout said area with the exception of the substitutions contained in this Part IX. References herein relate to the several sections of preceding parts of Southern Region Bulletin 101.

A. DEFINITIONS

In addition to the definitions contained in Part I, the following definitions shall apply:

*The Wheat and Grain Sorghum Area* means that area comprising the following counties of Texas and Oklahoma and such other counties as may be recommended by the State Committee and approved by the Secretary.

*Texas.*—Andrews, Archer, Armstrong, Bailey, Baylor, Borden, Briscoe, Brown, Callahan, Carson, Castro, Childress, Clay, Cochran, Coke, Coleman, Collingsworth, Comanche, Concho, Cottle, Crane, Crosby, Dallam, Dawson, Deaf Smith, Dickens, Donley, Eastland, Ector, Erath, Fisher, Floyd, Foard, Gaines, Garza, Glasscock, Gray, Hale, Hall, Hansford, Harde-man, Hartley, Haskell, Hemphill, Hockley, Hood, Howard, Hutchinson, Jack, Jones, Kent, King, Knox, Lamb, Lipscomb, Loving, Lubbock, Lynn, Martin, Midland, Mills, Mitchell, Montague, Moore, Motley, Nolan, Ochiltree, Oldham, Palo Pinto, Parker, Parmer, Potter, Randall, Reeves, Roberts, Run-nels, Scurry, Shackelford, Sherman, Somerville, Stephens, Sterling, Stonewall, Swisher, Taylor, Terry, Throckmorton, Tom Green, Ward, Wheeler, Wichita, Wilbarger, Winkler, Wise, Yoakum, and Young.

*Oklahoma.*—Alfalfa, Beaver, Beckham, Blaine, Caddo, Canadian, Cimarron, Comanche, Cotton, Custer, Dewey, Ellis, Garfield, Grady, Grant, Greer, Harmon, Harper, Jack-son, Jefferson, Kay, Kingfisher, Kiowa, Major, Noble, Roger Mills, Stephens, Texas, Tillman, Washita, Woods, and Woodward.

*Wind Erosion Area* means that area comprising the fol-lowing counties of Texas and Oklahoma and such other counties as may be recommended by the State Committee and approved by the Secretary, within the wheat and grain sorghum area:

*Texas.*—Andrews, Armstrong, Bailey, Borden, Briscoe, Car-son, Castro, Cochran, Crosby, Dallam, Dawson, Deaf Smith, Donley, Ector, Floyd, Gaines, Garza, Glasscock, Gray, Hale, Hansford, Hartley, Hemphill, Hockley, Howard, Hutchinson,

Kent, Lamb, Lipscomb, Loving, Lubbock, Lynn, Martin, Mid-land, Moore, Motley, Ochiltree, Oldham, Farmer, Potter, Randall, Roberts, Sherman, Swisher, Terry, Wheeler, Wink-ler, and Yoakum.

*Oklahoma.*—Beaver, Cimarron, Ellis, Harper, Texas, and Woodward.

B. RATES AND CONDITIONS OF PAYMENT

SECTION 101. *Soil-Building Practices.*—The provisions of this section 101 shall apply in lieu of section 16.

A class II payment will be made for carrying out any one or more of the following soil-building practices in 1937 at the rates and upon the conditions listed in this section 101, *pro-vided* (1) in no event will the total of the class II payments respecting any farm exceed the soil-building allowance for the farm; (2) none of the labor, seed, or materials for such practice is furnished or paid for by any Federal or State agency; and (3) the practice is carried out by such methods and with such kinds and quantities of adapted seed, trees, and other materials as conform to good farming practices.

A class II payment will not be made to any person for carrying out any of the following soil-building practices if the county committee finds that such person has been negli-gent and careless in his farming practices to the extent that his farm has become a wind erosion hazard to the community in which it is located or that such practices have not been carried out in accordance with standards adopted by the State Committee.

*Practice Number, Practices and Conditions, and Rate*

1. *Alfalfa*, planted on cropland in 1937: \$2.50 per acre.
2. *Sweet clover; annual lespedeza; Austrian winter peas*, or other locally adapted winter legumes, planted on cropland in 1937: \$1.50 per acre.
3. *Cowpeas, soybeans, mung beans*, or other locally adapted sum-mer legumes, excluding lespedeza, grown on cropland in 1937, and the total forage plowed under, provided a reasonably good growth is obtained, \$2.00 per acre.
4. *Austrian winter peas*, or other locally adapted winter legumes plowed under in 1937, or lespedeza left on the land in 1937 except that the seed may be harvested, provided a reasonably good growth is attained: \$1.00 per acre.
9. *Forest trees*, including post-producing species, planted on crop-land in 1937: \$5.00 per acre.
10. *Ground limestone or its equivalent*<sup>1</sup> applied on soil-conserv-ing crops or pastures in 1937, but payment will not be made on an amount in excess of 4,000 pounds per acre, or less than 1,000 pounds per acre if applied broadcast, or less than 500 pounds if applied in rows: \$0.07 per 100 pounds.
11. *Sixteen percent superphosphate or its equivalent*<sup>2</sup> applied in 1937 on soil-conserving crops or pastures (excluding soybeans, cowpeas, velvet beans, and peanuts), but payment will not be made on an amount in excess of 400 pounds per acre or less than 100 pounds per acre: \$0.50 per 100 pounds.
14. *Terracing land*, in accordance with good terracing practices: \$0.40 per 100 linear feet.
21. *Contour listing or furrowing*, when done on cropland in 1937; provided, (1) that the furrows shall be made with a regular double mold-board lister or with a chisel of approved design according to the specifications given herein: (2) that the furrows shall be not more than 4 feet nor less than 2 feet apart and shall, if listed, be not less than 8 inches in width and 4 inches in depth, or if chiseled, be not less than 4 inches in width and 6 inches in depth; (3) that the furrowing shall be done with the contour of the land, following lines run with a surveyor's instrument or farm level, and (4) that the contours shall be maintained until prepara-tion of the land for crop. On slopes greater than 3½ feet to the 100 feet, such contour listing must be in combination with terracing: \$0.25 per acre.
22. *Alternate strips of sorghums, or Sudan grass,<sup>3</sup> and fallow,<sup>4</sup>* where such strips of sorghums or Sudan grass are planted on the contour in 1937 prior to August 15 on cropland contour listed or furrowed since October 31, 1936, provided that such strips of sorghums or Sudan grass are not less than approximately 2

<sup>1</sup>For example, 500 pounds of burnt lime or 700 pounds of hydrated lime is the equivalent of 1,000 pounds of grand limestone.

<sup>2</sup>For example, 100 pounds of 48 percent superphosphate is the equivalent of 300 pounds of 16 percent superphosphate.

<sup>3</sup>The term "Strips of sorghums or Sudan grass," wherever used in this Part IX, means strips that are seeded solid or broadcast or in rows not over 4 feet apart.

<sup>4</sup>Where strips of sorghums or Sudan grass, alternating with fallow, are over 12 rods in width or occupy more than one-half of the land, the actual acreage of such strips or rows if all the crop is left on the land, will be paid for in accordance with practice 24. If such strips (or rows) are not on the contour, occupy one-half or less of the land, and are 12 rods or less in width, no practice payment will be made.



rods in width and are not more than 12 rods nor less than 4 rods apart, that the strips of sorghums or Sudan grass are not wider than the fallow strips between such strips of sorghums or Sudan grass, and that the stalks are left standing on the land as a protection against wind erosion (in counties outside the wind erosion area if heads or seed are harvested from such strips of sorghums or Sudan grass, only the acreage of the fallow strips shall be considered in computing the acreage of this practice): \$0.35 per acre.

23. *Alternate rows of sorghums or Sudan grass and fallow*,<sup>4</sup> where such rows of sorghums or Sudan grass are planted on the contour in 1937 prior to August 15 on cropland contour listed or furrowed since October 31, 1936, provided that such rows of sorghums or Sudan grass are planted as single or double rows not less than 10 nor more than 16 feet apart, and if the stalks are left standing on the land as a protection against wind erosion (in counties outside the wind erosion area if heads or seeds are harvested from such rows of sorghums or Sudan grass, only the acreage of the fallow strips shall be considered in computing the acreage of this practice, each row shall be considered to occupy a strip 3½ feet in width): \$0.25 per acre.

24. *Sorghums, millets, or Sudan grass*, seeded solid or broadcast, or sweet sorghum or Sudan grass in rows not over 4 feet apart, grown in 1937, provided all the crop is left on the land (or either left on the land or plowed under in counties outside the wind erosion area) and a reasonably good growth is attained. (Payment will not be made for this practice in combination with practice 22 or 23): \$1.00 per acre.

25. *Green manure crops*, including rye, barley, oats, wheat, Italian rye grass, or mixtures of two or more of these; plowed under as green manure, after making a reasonably good growth (not less than two months' growth) in the spring of 1937, provided that such crop shall not reach the dough stage, (provided that such practice shall not be applicable to the wind erosion area): \$0.75 per acre.

26. *Natural restoration of native pasture* (a) on cropland contour listed or contour furrowed, in 1936, in accordance with practice 21, not grazed in 1936, and maintained by withholding all grazing in 1937, and allowing the natural coverage to remain as a protection against erosion, or (b) on cropland contour listed or contour furrowed before May 1, 1937, in accordance with practice 21, and maintained by withholding all grazing therefrom in 1937 and allowing the natural coverage to remain as a protection against erosion: \$0.25 per acre.

27. *Reestablishment of native grasses* by seeding or sodding in 1937, or the establishment in 1937 of permanent pasture of perennial grasses or grass and legume mixtures on cropland, or non-crop open pasture land which if in the wind erosion area has been contour listed since October 1, 1936, in accordance with practice 21: \$2.50 per acre.

28. *Contour farming*, consisting of the growing of crops on the contour in combination with terraces or contour listing or furrowing in accordance with subsection (j), section 104, not in combination with practice 22 or 23: \$0.25 per acre.

29. *Contour listing or furrowing pasture land*, furrow channels to be not less than 8 inches in width and 4 inches in depth and not less than 3½ feet apart. (Payment will be made on the acreage occupied by the furrows computed on the basis of 3½ feet in width for each such furrow): \$0.70 per acre.

30. *Ridging pasture land* on slopes of 2 percent or greater, such narrow terraces or ridges to be at least 6 feet wide from bottom of furrow to bottom of furrow on the opposite side, at least 10 inches in height, and at not to exceed one-third of the regular terrace interval: \$0.10 per 100 linear feet.

**SECTION 102. Minimum Acreage of Soil-Conserving Crops and Soil-Building Practices in Lieu of Soil-Conserving Crops.**—The provisions of this section 102 shall apply in lieu of section 17.

(a) If the total acreage of soil-conserving crops on cropland on any farm in 1937, does not equal or exceed the sum of:

(1) The soil-conserving base established for the farm, which shall be that acreage which is determined to be the acreage of soil-conserving crops grown on the farm under normal conditions, and

(2) The sum of the acreages diverted for payment from the cotton, peanut, and general bases.

a deduction will be made in an amount obtained by multiplying \$3.00 by the number of acres by which the total acreage of soil-conserving crops on cropland, and of soil-

<sup>4</sup> Where strips of sorghums or Sudan grass, alternating with fallow, are over 12 rods in width or occupy more than one-half of the land, the actual acreage of such strips or rows if all the crop is left on the land, will be paid for in accordance with practice 24. If such strips (or rows) are not on the contour, occupy one-half or less of the land, and are 12 rods or less in width, no practice payment will be made.

building practices in lieu of soil-conserving crops on cropland in 1937, is less than such sum.

#### C. CLASSIFICATION OF LAND USE AND CROPS

Farm land when devoted to the crops and uses indicated below shall, except for such additions or modifications as may be approved by the Secretary, be classified as follows:

**SECTION 103. Crops or Practices Which Shall be Classed as Soil-Depleting.**—The provisions of this section 103 shall apply in lieu of section 31.

Land devoted to any of the following crops or practices shall, except as provided in sections 105 and 106, be regarded as used for the production of a soil-depleting crop for the year in which such crop would normally be harvested or the practice is carried out. In establishing soil-depleting bases and in the checking of performance, the acreage of land devoted to two or more soil-depleting crops shall be counted only once.

(a) Corn, (field, sweet corn, or popcorn).

(b) Cotton.

(c) Potatoes (Irish or sweet).

(d) Truck and vegetable crops, including melons and strawberries.

(e) Peanuts, harvested for nuts.

(f) Grain sorghums, sweet sorghums, broomcorn, millets, or Sudan grass, harvested for grain, seed, or forage, or grain sorghums in rows if all the crop is left on the land (or left on the land or turned under in the wind erosion area), except as provided in paragraphs (f) and (g), section 104.

(g) Small grains, wheat, oats, barley, rye, or any mixture of these; *Provided, however*, That if the county committee, prior to a date prescribed by the State Committee and approved by the Director of the Southern Division has approved the use of wheat, rye, or barley, or a mixture of these on a designated area on the farm as a winter cover crop as being good farming practice for such area, such crops before reaching the dough stage are pastured or plowed under (cut for hay, pastured, or plowed under in the wind erosion area), and the land is protected, immediately thereafter, by a soil-conserving crop or a soil-building practice approved herein for use in lieu thereof, such land shall take the classification of such soil-conserving crop or practice.

(h) Summer fallowed land, which in the wind erosion area, is left unprotected and becomes a wind erosion hazard.

**SECTION 104. Soil-Conserving Crops and Soil-Building Practices in Lieu of Soil-Conserving Crops.**—The provisions of this section 104 shall apply in lieu of section 32.

Land devoted to any of the following crops or uses shall be regarded as used for the production of a soil-conserving crop or for a soil-building practice in lieu thereof, except that any land which is devoted to a soil-depleting crop, in accordance with section 103, in the same year shall be regarded as used for the production of a soil-depleting crop in such year, except as provided in sections 103 and 105. Any acre which is devoted to two or more soil-conserving crops and practices in lieu thereof in the same year shall be counted as not more than one acre of soil-conserving crops.

(a) Legumes, including Australian winter peas, sweetclover alfalfa, lespedeza, cowpeas, and mung beans.

(b) Peanuts, if pastured.

(c) Grasses, including native grasses planted in 1936 or 1937, Dallis, rye grass, Bermuda or grass mixtures.

(d) Sudan grass, seeded solid or broadcast or in rows not over 4 feet apart, not harvested for seed or hay.

(e) Any sorghum or millet seeded solid or broadcast, or sweet sorghum in rows not over 4 feet apart, grown in 1937 and all the crop left on the land (or either left on the land or plowed under in counties outside the wind erosion area), provided a reasonably good growth is attained.

(f) Alternate strips of sorghums, or Sudan grass, and fallow where such strips of sorghums or Sudan grass are planted in 1937 prior to August 15 on cropland if such strips of sorghums or Sudan grass are not less than approximately 2 rods



in width, and are not more than 12 nor less than 4 rods apart, if the strips of sorghums or Sudan grass are not wider than the fallow strips between such strips of sorghums or Sudan grass, and if the stalks are left standing on the land as a protection against wind erosion. The acreage actually occupied by such strips shall be considered soil-depleting, and only the acreage of the fallow strips between such sorghum or Sudan strips shall be considered soil-conserving, except that strips of sorghums or Sudan grass, seeded solid or broadcast or of sweet sorghums or Sudan grass in rows, from which heads or seed are not removed shall be classified as soil-conserving.<sup>1</sup>

(g) Alternate rows of sorghums, or Sudan grass, and fallow, where such rows of sorghums or Sudan grass are planted in 1937 prior to August 15 on cropland if such rows of sorghums or Sudan grass are planted as single or double rows not less than 10 nor more than 16 feet part, and if the stalks are left standing on the land as a protection against wind erosion. The acreage actually occupied by such rows shall be considered soil-depleting and only the fallow strips between such rows shall be considered soil-conserving, except that rows of sweet sorghums or Sudan grass from which heads or seed are not removed shall be classified as soil-conserving; each row shall be considered to occupy a strip 3½ feet in width.<sup>1</sup>

(h) The acreage on which practice 26 is carried out.

(i) The acreage of cropland on which practice 27 is carried out.

(j) Two-thirds of the acreage of cropland on which controlled summer fallowing is practiced in 1937 and which in 1937 is kept free of vegetative cover to the extent that available soil moisture will be conserved, and provided that such land (1) is contour listed or furrowed, in accordance with practice 21, or (2) is otherwise contour furrowed where done with a furrowing device which accomplishes a creditable type of cultivation for conserving moisture and controlling wind erosion; furrows in no instance under (1) or (2) to be less than 14 inches apart.

(k) Two-thirds of the acreage of cropland on which protected summer fallow is practiced in 1937, which is kept free of vegetative cover to the extent that available moisture is conserved, and which is protected from erosion by listing or furrowing not on the contour, or by leaving the stubble or trash on or near the surface of the soil. (This classification shall not apply in the wind erosion area, except where a special recommendation is made by the county committee and approved by the State Committee, setting forth proof that wind erosion is not a problem in the particular community, and except as outlined in paragraph (m) below.)

(l) One-third of the acreage of cropland, in the wind erosion area; (1) on which protected fallow is practiced, in accordance with paragraph (k) above, if not terraced or contour listed or, if not in a community approved as not affected by wind erosion; or (2) on which the natural vegetation is allowed to grow as a protection against wind erosion.

(m) The acreage of cropland anywhere in the wheat and grain sorghum area terraced in 1937, in accordance with practice 14, in combination with controlled or protected fallow as outlined in paragraphs (j) and (k) above.

(n) Forest trees, planted on cropland since January 1, 1934.

**SECTION 105. Soil-Conserving Crops or Soil-Building Practices in Lieu Thereof Grown or Used in Combination with or Following Soil-Depleting Crops.**—The provisions of this section 105 shall apply in lieu of section 33.

Land devoted to soil-conserving crops or soil-building practices in lieu thereof, grown or used in combination

with or following soil-depleting crops shall be classified as follows:

(a) All the acreage of soil-depleting row crops interplanted or grown in combination with summer legumes (classified in section 104 as soil-conserving) shall be classified as soil-depleting, and

(1) one-half of the acreage shall also be classified as soil-conserving, provided the legume occupies at least one-half of the land and attains a reasonably good growth, or

(2) one-third of the acreage shall also be classed as soil-conserving, provided that the legume occupies not less than one-third but less than one-half of the land, and attains a reasonably good growth.

(b) All the land from which a soil-depleting crop is harvested in 1937 and followed by legumes (classified in section 104 as soil-conserving) or perennial grasses (whether seeded in or following such crop) shall, in addition to being classified as soil-depleting, be classified as soil-conserving.

(c) All the acreage of soil-depleting crops on land which is terraced in 1937, in accordance with practice 14, shall be classified as soil-depleting, and one-third of such acreage shall also be classified as soil-conserving.

(d) All the acreage of soil-depleting crops on land which is contour listed in 1937, in accordance with practice 21, shall be classified as soil-depleting, and one-tenth of such acreage shall also be classified as soil-conserving.

**SECTION 106. Neutral Uses.**—The provisions of this section 106 shall apply in lieu of section 34.

Land devoted to the following uses shall be regarded as not used for the production of a soil-depleting crop or a soil-conserving crop unless otherwise provided.

(a) Vineyards, tree fruits, bush fruits, and nut trees. (Any portion of such land which is interplanted shall carry the classification and actual acreage of such interplanted crop.)

(b) Idle cropland, unless otherwise specified.

(c) Waste land, roads, lanes, lots, yards, and other similar non-cropland.

(d) Woodland, other than cropland planted to forest trees since January 1, 1934.

In testimony whereof, H. A. Wallace, Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington, District of Columbia, this 26th day of January 1937.

[SEAL]

H. A. WALLACE, *Secretary*.

[F. R. Doc. 37-256; Filed, January 26, 1937; 11:34 a. m.]

SR—B-101, Amendment 2 Southern Division, January 27, 1937

#### 1937 AGRICULTURAL CONSERVATION PROGRAM

##### SOUTHERN REGION BULLETIN 101

##### Amendment 2

Part IV, Classification of Land Use and Crops of Southern Region Bulletin 101 is hereby amended by adding the following new subsection (g) to section 32:<sup>1</sup>

(g) Idle cropland on which terraces are constructed in 1937 in accordance with good terracing practices for the land.

In testimony whereof, H. A. Wallace, Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington, District of Columbia, this 27th day of January 1937.

[SEAL]

H. A. WALLACE, *Secretary*.

[F. R. Doc. 37-286; Filed, January 27, 1937; 12:37 p. m.]

<sup>1</sup> Where strips of sorghums or Sudan grass, alternating with fallow, are over 12 rods in width or occupy more than one-half of the land, the actual acreage of such strips shall be classified in accordance with paragraph (f), section 103, or paragraph (e), section 104, and the fallow strips shall be classified in accordance with paragraphs (j) or (k), section 104.

<sup>1</sup> 2 F. R. 14.



## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 22nd day of January 1937.

[File No. 1-1657]

IN THE MATTER OF CRANE COMPANY 7% CUMULATIVE PREFERRED STOCK, \$100 PAR VALUE COMMON STOCK, \$25 PAR VALUE

ORDER GRANTING APPLICATION FOR WITHDRAWAL FROM LISTING AND REGISTRATION

The Crane Company having made application to the Commission pursuant to Rule JD2 under the Securities Exchange Act of 1934, as amended, for permission to withdraw from listing and registration 145,889 shares of 7% Cumulative Preferred Stock, \$100. Par Value, and 2,348,628 shares of Common Stock, \$25. Par Value, on the Chicago Stock Exchange; and

The Commission having ordered a hearing with respect to said application, which hearing was held on the 16th day of October 1936;<sup>1</sup> and

The Commission having considered said application, together with the evidence introduced at said hearing and the report of the Trial Examiner thereon, and having due regard for the public interest and the protection of investors;

It is ordered that said application be and hereby is granted effective at the close of the trading session on February 5, 1937.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 37-277; Filed, January 27, 1937; 12:26 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 26th day of January 1937.

IN THE MATTER OF CRANE COMPANY 7% CUMULATIVE PREFERRED STOCK, \$100 PAR VALUE; COMMON STOCK, \$25 PAR VALUE

ORDER VACATING ORDER GRANTING APPLICATION FOR WITHDRAWAL FROM LISTING AND REGISTRATION

Crane Company having made application to the Commission pursuant to Rule JD2 under the Securities Exchange Act of 1934, as amended, for permission to withdraw from listing and registration 145,889 shares of 7% Cumulative Preferred Stock, \$100 Par Value, and 2,348,628 shares of Common Stock, \$25 Par Value, on the Chicago Stock Exchange; and

A hearing having been held in this matter pursuant to order of the Commission; and

The Chicago Stock Exchange in its letter of December 14, 1936, having requested oral argument before the Commission in this matter; and

The Commission through an oversight having entered an order on January 22, 1937, granting said application without affording said Exchange opportunity for oral argument before the Commission; and

It appearing to the Commission that an order should not be entered disposing of said application until after said Exchange has been afforded an opportunity for oral argument;

It is ordered that said order granting said application to withdraw said preferred and common stocks from listing

and registration on said Exchange be and the same is hereby vacated.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 37-278; Filed, January 27, 1937; 12:26 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 19th day of January 1937.

[File Nos. 1-592, 1-234]

IN THE MATTER OF ALLEN INDUSTRIES, INC., COMMON STOCK, \$1 PAR VALUE

ORDER GRANTING APPLICATION WITHDRAWAL FROM LISTING AND REGISTRATION

The Allen Industries, Inc., pursuant to Rule JD2 under the Securities Exchange Act of 1934, as amended, having made application for withdrawal from listing and registration on the Detroit Stock Exchange and on the Cleveland Stock Exchange of 246,000 shares of Common Stock, \$1 Par Value; and

The Commission having considered the application and information pertinent thereto, and having due regard for the public interest and the protection of investors;

It is ordered that said application be and hereby is granted effective at the close of the trading session on January 26, 1937.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 37-281; Filed, January 27, 1937; 12:26 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 18th day of January 1937.

[File No. 1-707]

IN THE MATTER OF KANSAS CITY POWER & LIGHT COMPANY FIRST PREFERRED STOCK, SERIES B, (\$6.00 PER ANNUM CUMULATIVE)

ORDER GRANTING APPLICATION FOR WITHDRAWAL FROM LISTING AND REGISTRATION

The Kansas City Power & Light Company, pursuant to Rule JD2 under the Securities Exchange Act of 1934, as amended, having made application for withdrawal from listing and registration on the Chicago Stock Exchange of 40,000 shares of First Preferred Stock, Series B, (\$6.00 per annum cumulative); and

The Commission having considered the application and information pertinent thereto, and having due regard for the public interest and the protection of investors;

It is ordered that said application be and hereby is granted effective at the close of the trading session on January 30, 1937.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 37-279; Filed, January 27, 1937; 12:26 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 22nd day of January 1937.

<sup>1</sup> 1 F. R. 1749.



[File No. 1-2155]

IN THE MATTER OF MINNEAPOLIS & ST. LOUIS RAILROAD CO.  
CAPITAL STOCK, \$100 PAR VALUEORDER GRANTING APPLICATION FOR WITHDRAWAL FROM LISTING  
AND REGISTRATION

The Minneapolis & St. Louis Railroad Company having made application to the Commission pursuant to Rule JD2 under the Securities Exchange Act of 1934, as amended, for permission to withdraw from listing and registration 252,735 shares issued and 5,191 unissued shares of capital stock, \$100 Par Value, on the New York Stock Exchange; and

The Commission having ordered a hearing with respect to said application, which hearing was held on the 10th day of November, 1936;<sup>1</sup> and

The Commission having considered said application, together with the evidence introduced at said hearing and the report of the Trial Examiner thereon, and having due regard for the public interest and the protection of investors;

It is ordered that said application be and hereby is granted effective at the close of the trading session on February 1, 1937.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 37-282; Filed, January 27, 1937; 12:27 p. m.]

*United States of America—Before the Securities  
and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 18th day of January 1937.

[File No. 1-9188]

IN THE MATTER OF SQUARE D COMPANY CLASS A PREFERRED  
STOCK, NO PAR VALUE; CLASS B COMMON STOCK, NO PAR  
VALUEORDER GRANTING APPLICATION FOR WITHDRAWAL FROM LISTING  
AND REGISTRATION

The Square D Company, pursuant to Rule JD2 under the Securities Exchange Act of 1934, as amended, having

<sup>1</sup> 1 F. R. 1954.

made application for withdrawal from listing and registration on the Detroit Stock Exchange and on the Los Angeles Stock Exchange of 127,200 shares of Class A Preferred Stock, No Par Value, and 222,876 shares of Class B Common Stock, No Par Value; and

The Commission having considered the application and information pertinent thereto, and having due regard for the public interest and the protection of investors;

It is ordered that said application be and hereby is granted effective at the close of the trading session on January 30, 1937.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 37-280; Filed, January 27, 1937; 12:26 p. m.]

*United States of America—Before the Securities  
and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 26th day of January A. D. 1937.

IN THE MATTER OF AN OFFERING SHEET OF A WORKING INTEREST  
IN THE HOUSEL-DRISCOLL FARM, FILED ON JANUARY 6, 1937,  
BY W. E. HOUSEL, RESPONDENT

## ORDER FOR CONTINUANCE

The Securities and Exchange Commission, having been requested by its counsel for a continuance of the hearing in the above entitled matter,<sup>1</sup> which was last set to be heard at 11:00 o'clock in the forenoon on the 26th day of January 1937 at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and it appearing proper to grant the request;

It is ordered, pursuant to Rule VI of the Commission's Rules of Practice under the Securities Act of 1933, as amended, that the said hearing be continued to 2:30 o'clock in the afternoon on the 10th day of February 1937, at the same place and before the same trial examiner.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 37-283; Filed, January 27, 1937; 12:27 p. m.]

<sup>2</sup> 2 F. R. 95.



